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House of Representatives

The House met at 10 a.m.

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

Lord God, Who brings us to the recreation of a new day, by Your spirit, You breathe hope into the hearts of Your people.

Hope, Lord, is born out of promise. It brings a freshness to every work and every new day because each is a step to the unfolding of what was once only a promise into the reality of fulfillment. As long as people have hope, they are fixed on the brightness of another tomorrow.

Building on the past, people of hope seize the present moment, make the most of a variety of possibilities, and set in motion deliberate actions that will shape the future.

Today, Lord, give to the Members of Congress a consolidated vision. Marshal within them a discipline that will make them a force of trusted promise which will instill in people across this Nation, true and lasting hope, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN 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.

HOUSE REPUBLICANS STILL WANT TO PROVIDE THE PRESIDENT A BLANK CHECK ON IRAQ WAR

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

Mr. CLEAVER. Madam Speaker, I was home last week, and although there was a great deal of discussion about gas prices, still the number one issue among the people of my district in Missouri is the military action in Iraq. And one of the things they are confused about is the fact that this is the most unpopular war in the history of our Republic and yet nothing seems to change. Over 70 percent of the American public is against the war, and we continue to travel down the same road over and over again.

One of the reasons I believe we have two ears and just one mouth is that we are to listen more than we speak. Therefore, it seems to me that the people of this country are speaking but we are simply not listening.

It is my hope that all blank checks and rubber stamps will be put away. And while we are waiting to discuss this, the Democrats are moving forward with our commitment to make serious changes in Iraq.

LEADERSHIP

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

Mrs. BLACKBURN. Madam Speaker, I rise today to speak on leadership.

The American people have entrusted us with a great responsibility to represent their interest in this great House. The people of the Seventh District of Tennessee work hard and represent what is good about America, and it is my honor to speak on their behalf.

In my district there are farmers, bankers, truckers, accountants. My district is as diverse as America itself. One thing they believe in is the goodness and strength and perseverance of our country. They entrust us to do the right thing, no matter the circumstances.

They want lower taxes and believe that they, not the Federal Government, should have first right of refusal on their paycheck. They believe that if 10 percent is good enough for God, it should be good enough for the government when it comes to taxing that paycheck. And they think that government should learn to live within its means.

Most importantly, they want action, not political grandstanding. They want results, not rhetoric. They want and expect us to solve problems. They expect us to stand in the gap, stand up for them, and do our jobs.

They expect us to lead.

DAY TWO OF THE FOOD STAMP CHALLENGE

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

Mr. MCGOVERN. Madam Speaker, yesterday I spoke on the floor of this House about the Food Stamp Challenge, an initiative where public officials live for 1 week on a food stamp budget in order to raise awareness of the Food Stamp program. Three of my esteemed colleagues, Representatives JO ANN EMERSON from Missouri, TIM RYAN from Ohio, and JAN SCHAKOWSKY from Illinois, are also taking part in the Food Stamp Challenge. We started yesterday.

It is not easy eating on $3 a day. But it is nothing compared to the hardship faced by millions of Americans every single day. I urge my colleagues to read more about our experiences on the Food Stamp Challenge blog at foodstampchallenge.typepad.com.

This week my colleagues will be joining me in talking about the Food

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Stamp program and how we can better meet the needs of low-income Americans.

PROMOTING ADOPTION TAX RELIEF

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

Mr. WILSON of South Carolina. Madam Speaker, in January I introduced a bill to make permanent the $10,000 adoption tax credit which is set to expire in 2010. Four months later this bill has garnered 125 bipartisan cosponsors, including Ways and Means Committee Chairman CHARLES RANGEL.

As the grateful father of an adopted son and a member of the Congressional Coalition on Adoption, I know all too well the challenges and rewards adoption brings. The adoption process can be mentally and physically exhausting. Families should not be overwhelmed with the financial burdens as well. We should offer incentives, not penalties, for making this commitment.

I urge my colleagues on the Ways and Means Committee to move forward with this legislation and make the dream of a family a permanent reality by promoting adoption.

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

DEMOCRATS WANT TO BETTER CARE FOR AMERICAN FAMILIES BUT FACE RESISTANCE FROM BUSH

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

Mr. ELLISON. Madam Speaker, the new Democratic House has been busy passing a wide range of measures to help our Nation's economy grow. Unfortunately, we are having a difficult time finding support from the White House.

We began by increasing the minimum wage for the first time in 10 years. The bill was overwhelmingly supported by this House, and yet President Bush has already vetoed it once.

This House also voted to support the Employee Free Choice Act, which helps all Americans share in our Nation's economic growth by supporting the basic right of workers to choose their own representative. But the President has threatened a veto.

The Congress also overwhelmingly supported a bill that invests in hiring 10,000 new science and math teachers so that we can better compete in the new global economy. Unfortunately, the Bush administration opposes this legislation in its current form.

Madam Speaker, the new Congress is passing legislation that will grow our economy. Now we just need support from the White House to make it a reality.

ATTACK ON FORT DIX

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

Mr. POE. Madam Speaker, recently six foreign-born extremists, inspired by al Qaeda and its preachers of hate, planned to murder U.S. troops with semiautomatic weapons and rocket-propelled grenades. The place, not in Iraq, but the United States Army base at Fort Dix in New Jersey.

They were knowledgeable and cunning, using one member who delivered pizzas on the base to gain intimate knowledge of the fort. They were also planning to attack a U.S. Naval installation in Philadelphia.

Before the attack could be unleashed on U.S. troops, the FBI was tipped off to their plans, and they were arrested. Not surprisingly, three of these terrorists were in the country illegally. Two others had green cards.

We are no longer a safe nation. The dangers of our security are real. We discuss in Congress the war against extreme radicals, but it starts with securing the borders. Because crossing unsecured U.S. borders is very easy. It brings the good, the bad, and the ugly. Because all three groups know that, for political reasons, the Federal Government refuses to protect American citizens by securing our sovereignty.

And that's just the way it is.

□ 1015

DEMOCRATS' LONG RECORD OF ACHIEVEMENT

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

Mr. ALTMIRE. Madam Speaker, we are now 4½ months into the new session of Congress, and the Democratic Congress has a long record of achievement. We have already passed 37 pieces of key legislation, many, I am proud to say, with bipartisan support.

We have passed bills to strengthen our military, increase funding for our veterans, restore accountability, promote energy independence, lower the cost of prescription drugs and student loans, balance the budget and grow our economy. But unfortunately, not everyone got the loud and clear message the American people delivered for change last November. President Bush opposes two-thirds of those bills that we passed this session. I hope that the President will join us in moving this country in a new direction.

GSE REFORM

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

Mrs. BACHMANN. Madam Speaker, promoting homeownership, especially homeownership for low and moderate income families, is a high priority for Republicans in this United States Congress. The GSEs, the Fannie Mae and Freddie Mac, have played a very important part in that goal. We ought to preserve that system, Madam Speaker, we ought to protect that system. However, Congress also has a responsibility to limit the risks that the GSEs pose to the United States taxpayers and their burden to that market.

Many of my colleagues have been working for years to enact meaningful reform of the GSEs and their regulator. That's a good thing. But this year's bill goes far beyond improving the safety and the soundness of the GSEs by now taxing those portfolios to create an affordable housing fund.

I agree with the Congressional Budget Office, Madam Speaker. This new assessment on the GSEs will be passed along to customers in the form of higher fees. It will raise the cost of purchasing a home or refinancing a mortgage. That is exactly the opposite direction that we want to go.

I urge my colleagues to join me in opposing this fund.

HOUSE WORKS IN STRONG BIPARTISAN FASHION TO ADDRESS THE NEEDS OF OUR ARMED FORCES

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

Mr. WILSON of Ohio. Madam Speaker, today the House begins debate on the Defense authorization bill, a bill that was passed out of the Armed Services Committee 58–0, unanimously. The legislation received the support of the entire committee because it focuses on our Nation's immediate threats and the benefits our soldiers need today.

The Defense bill authorizes substantial resources to improve the protection of our troops, including $4 billion for Mine Resistant Ambush Protected Vehicles. These vehicles have been shown to dramatically reduce the injuries of our soldiers. We want to ensure that our troops have access to the best equipment that will protect them while they are in battle.

In his budget earlier this year, the President proposed giving our troops a 3 percent pay raise. This Congress believes they deserve more, and consequently they will receive a 3.5 percent raise.

Madam Speaker, this Defense bill shows our dedication to the troops on the front lines, and it deserves strong bipartisan support.

WELCOMING GOOD SHEPHERD LUTHERAN SCHOOL

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

Mr. SHIMKUS. Madam Speaker, I would like to welcome Good Shepard Lutheran School and all the visitors that we have in our Nation's Capital today.

This constitutional Republic works. The Founding Fathers, which I believe established this through divine providence, established a government based upon compromise, also a government that is concerned about the different branches of government and the checks and balance systems which then were enacted to defend against usurpation by either and each branch.

I just come here today because many times we forget about the great institution in which we serve, about the blessings of freedom and liberties, and that God truly has blessed this Nation and will continue to do so.

IN SUPPORT OF H.R. 1968

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

Ms. SOLIS. Madam Speaker, today I rise in strong support of legislation that I recently introduced, H.R. 1968, the Community Health Workers Act of 2007.

The bill provides Federal support for community health workers, also known as promotoras. Community health workers conduct education and provide prevention information on chronic illnesses to communities of color, the Asian, Latino, African American and even Native American communities. They are able to reach out to patients in ways that traditional health care providers can't, through culturally and linguistically appropriate care. They are trusted by their communities.

Families who interacted with community workers were eight times more likely to obtain health insurance for their children, and their children stayed insured. That is why I strongly believe that the community health workers need to be part of the SCHIP reauthorization bill moving forward in the House.

As the Chair of the Congressional Hispanic Caucus' Health Task Force, I am committed to reducing health care disparities in our country. The legislation will help achieve that goal, and I am proud to have the support of other colleagues here today.

HOUSE REPUBLICANS STILL WANT TO PROVIDE PRESIDENT BLANK CHECK ON IRAQ WAR

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

Mr. BUTTERWORTH. Madam Speaker, while the President continues to resist any changes to his failed policy in Iraq, the situation is getting worse, it's getting worse for our troops. American casualties are up 53 percent this year over the same period last year.

Despite the escalating civil war, last week Pentagon officials told 35,000 more American troops that they will be sent to Iraq. Earlier this year, the President said the surge would last a couple of months, but now the administration is planning to stretch the plan out for 18 months.

It is increasingly clear that the President's plan to escalate the war in Iraq is not working. The American people overwhelmingly favor a new direction in Iraq and a plan to hold the Iraqi Government accountable for their own nation and their own security, but for some reason Republicans continue to stall, unwilling to break away from President Bush and ignoring all the bad news on the ground.

Madam Speaker, after 4 years of failed policies, we do not need to give the President a blank check.

TRADE AGREEMENTS MUST HAVE INTERNATIONAL LABOR STANDARDS

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

Mr. BRALEY of Iowa. Madam Speaker, last Thursday, the leadership of the House announced a new trade policy for America. And as this body considers future trade agreements, it would be well to look at the House Ways and Means Committee Web site where a one-page policy on a new trade policy for America is stated. That policy states that our new trade policy will ensure trade agreements raise the standard of living, including requiring companies to adopt, maintain and enforce international labor standards and their domestic laws and practices, thus promoting basic worker rights and acceptable working conditions.

We need to make sure that the maintenance and enforcement of those international labor standards are part of any trade agreement on the domestic side of those trade countries that we are negotiating with.

The Constitution of the Soviet Union had great statements about protecting the rights of workers and protecting the rights of individuals, and on paper that's what they said, but in reality they meant little. These trade agreements need to have enforcement on the other side to be effective.

HOMETOWN HEROES' CLAIMS MUST BE RESOLVED

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

Mr. ETHERIDGE. Madam Speaker, I rise in honor of our brave men and women in uniform, the police officers, firefighters and other public service officers who protect our communities.

As yesterday was National Peace Officers Memorial Day, there is no better time to call on the Department of Justice to award the benefits due to our law enforcement officers who have made the ultimate sacrifice in defending our Nation.

For 30 years now we have made a strong statement about the value our Nation places on the contribution for those who serve our community through the Public Safety Officers Benefit plan. About 4 years ago, however, I learned the PSOB was routinely rejecting claims or requiring burdensome documentation from these officers and first responders who died from a heart attack or stroke while serving our communities. I felt that this was wrong, and so did most of my colleagues here in Congress. In a strong bipartisan effort, Congress unanimously passed and the President signed it and the Hometown Heroes Survivors Benefit Act became law.

Since 2003, when the law was enacted, only two claims have been awarded out of the more than 240 received, while nearly 40 claims have been rejected. The rest languish in a bureaucratic mess.

I urge the Department of Justice to act swiftly and fairly on the remaining claims and pay these claims to provide this much needed and much deserved benefit as we observe National Police Week.

LESS TROOPS IN BAGHDAD AND MORE COPS IN AMERICA

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

Mr. COHEN. Madam Speaker, I thought about what I would use my 1-minute on today, and one thought was to address all the beautiful people that I see have come to Washington and Congress to view our Capitol and our Nation's Capital, and it is a beautiful sight. And another thought was to talk about the need for General Alberto Gonzales to resign to bring back the morale in the Justice Department and the people's faith in that institution. But the bottom line is the thing I campaigned upon is still the most important issue facing America today. We need to bring our troops home, redeploy our troops, and put our resources, financially and also personnel-wise, to work in America, protecting our streets and giving us a more secure country.

We need less troops on the streets of Baghdad and more cops on the streets of Memphis and other cities in this country to fight crime here at home.

GAS PRICES ARE HIGH DUE TO BUSH ADMINISTRATION'S FAILURE TO ENACT ENERGY POLICY

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

Mr. KAGEN. Madam Speaker, as we move closer to Memorial Day weekend and the summer months ahead, families in Wisconsin and across the country will be packing up their families to head off on vacation, like up north in Minocqua, Door County in Wisconsin. And once again, gas prices are hitting record highs. American families and

small businesses everywhere are bearing the full weight of the Bush administration's failure to enact a meaningful energy policy.

On Monday, the President announced his most recent attempt to do something, and once again it is another insufficient and inadequate solution. This failed attempt at energy policy is a placebo. It is a fake solution to a very serious problem. There is a better way of doing things, and it begins with energy efficiency, developing renewable energy resources and moving away from fossil fuels.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES, COMMITTEE ON SCIENCE AND TECHNOLOGY AND COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore (Ms. BALDWIN) laid before the House the following resignation as a member of the Committee on Armed Services, Committee on Science and Technology and Committee on Natural Resources:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to the passage by the House on Thursday, May 10, 2007 of H. Res. 393 ''Election of Minority Members to Certain Standing Committees of the House,'' I have been elected to the Committee on Appropriations. Pursuant to my Conference's rules regarding service on certain select committees, I hereby resign from service on the following committees: Committee on Armed Services; Committee on Science and Technology; and Committee on Natural Resources. Thank you.

Sincerely,

KEN CALVERT (CA–44),
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 403

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

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

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

SEC. 6. During consideration in the House of H.R. 1585 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1030

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

Ms. CASTOR. Madam 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.

GENERAL LEAVE

Ms. CASTOR. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 403 provides for consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 under a structured rule. The rule provides 90 minutes of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration, except those arising under clause 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 50 amendments. The rule also permits the Chair of the Committee on Armed Services or his designee to offer amendments not earlier disposed of en bloc and debated for 20 minutes, equally divided and controlled by the Chair and ranking member of the Armed Services Committee. The Chair of the Armed Services Committee also may request that amendments printed and ordered in the Rules Committee report be offered out of that order with appropriate notice on the floor.

Madam Speaker, today the new Congress, under Democratic leadership, will chart a new direction for a stronger and safer America through the adoption of the Defense authorization bill, H.R. 1585, and this rule. As a member of the House Armed Services Committee, I am pleased to report that our committee, under the leadership of Chairman IKE SKELTON, passed the bill out of committee unanimously in a bipartisan way, 58–0.

The Defense bill provides $648.6 billion to support our brave American men and women in uniform, but it does much more. The provisions in the bill would repair the damage done to America's national security by this White House by improving the readiness of our Armed Forces, requiring accountability from the White House in its

Iraq policy and making more strategic investments for the protection of the American people and our interests across the globe.

On readiness, we are going to take care of our troops and their families. We are going to fully fund the needs of our armed services. We are going to strengthen the National Guard and Reserves.

Here are a few details. We have authorized $1.2 billion for body armor; $2.5 billion for up-armored Humvees; $1.2 billion for vehicle add-on armor; and $509 million for the armored security vehicles. We are going to increase the end-strength of our armed services with 36,000 new soldiers in the Army, 9,000 new troops in the Marine Corps and 1,300 troops in the Army National Guard.

This bill authorizes $4.5 billion to fund the anti-IED, improvised explosive device, efforts of the Joint Improved Explosive Device Defeat Organization.

In addition, Madam Speaker, although the President called for only a 3 percent pay raise for our brave men and women in uniform, we have gone far beyond that because we recognize the sacrifice that they are providing for the benefit of the American people, and we have provided a pay raise in this bill for our troops of 3.5 percent.

Inexplicably, in this time of conflict and war the Bush administration also proposed increases in health insurance premiums for our military retirees and troops under TRICARE and proposed cuts to active military medical services. We have blocked that measure. It is the wrong time for the White House to propose health insurance premium increases, when we are asking so much of our brave American men and women in uniform.

Madam Speaker, in this bill we have also included provisions that we passed last month, the Wounded Warrior Assistance Act, because we remain committed to seeing that our wounded servicemembers receive the best health care possible. Indeed, Madam Speaker, under that Wounded Warrior Assistance Act, we are answering the call of the American people. This new Congress is demanding, through this rule and through this legislation, that the executive branch move beyond the rhetoric of ''support our troops'' to concrete actions that sustain our brave men and women in uniform and their families by providing the quality health care they deserve when they return from the battlefield.

Supporting our troops does not mean that you simply salute and send them off to war, ask them to serve and sacrifice for our great country. But it also means that they are supported when they return home, their families are respected and our wounded warriors receive superior health care for their physical injuries and mental health care.

We are going to improve the health care-mental health care for our wounded warriors in this bill. We are going to tackle the bureaucracy that has blocked their access to health care. We are going to require expedited action, provide medical advocates, improve support services for families and really tackle the traumatic brain injuries and aid the polytrauma centers and VA hospitals across this country that are serving the most crucially wounded.

Madam Speaker, this bill also calls for greater accountability from the White House. In this bill, we are requiring more in-depth reports on operations in Iraq. We want to know what is truly happening on the ground with the Iraqi security forces.

There has been so much waste and fraud in contracting in Iraq and under this White House that we are not going to put up with it any longer. The Department of Defense, the Department of State, USAID, must have additional oversight of the multibillion dollar contracts that have been approved during this war in Iraq. We require reports on the proficiencies of the Iraqi Army, the police, and all security forces there.

To the credit of this Armed Services Committee, we have not forgotten about Afghanistan. In fact, in this bill, as an additional accountability measure, we have established an Inspector General for Afghanistan Reconstruction, as we cannot sanction the waste and fraud that has accompanied the administration's Iraq reconstruction.

Madam Speaker, we are also going to be more strategic in the defense of our national security. Like I said, Afghanistan cannot be the forgotten war. In fact, in this bill we direct more attention to operations there, in addition to the Inspector General that will oversee the reconstruction efforts. This bill contains a detailed plan to achieve long-term stability in what has been an unstable country in Afghanistan for many years.

Madam Speaker, we will hear debate today about missile defense. Now, this bill provides great investment in the protection and missile defense of this country. It also reinvigorates the nonproliferation and threat reduction initiatives that have suffered under the Bush administration. We are going to refocus our efforts strategically on terrorism and the true threats to our national security.

I am very proud to say that the headquarters of Special Operations Command is located in my district in Tampa, Florida, at the McDill Air Force Base. This Defense bill, under Democratic leadership, not only fully funds our Special Operations Forces, but it went beyond the Bush administration's budget request, and we have funded their five unfunded needs under the Bush proposal.

We have also authorized a 25 percent increase in Special Forces by the year 2013, because we recognize that we cannot rely solely any longer on the conventional threats to our country. We have got to be smarter, we have to be more strategic, and the Democratic Defense bill authorizes the increase in Special Forces and also a new emphasis on indirect action.

Oftentimes, to win the hearts and minds, you don't go in with guns blazing. In fact, you institute a smarter policy where you work with folks on the ground to prevent any terrorist initiative from ever developing. And this bill does that.

We have reinvested additional resources to improve education and analytical intelligence surveillance. We harness the science and technology innovation in this country by investing in information technology and other technologies to make sure that our troops on the ground have the best technology available across the globe.

Yes, Madam Speaker, this Defense bill charts a new direction for true readiness, accountability and more strategic investments to protect our national security.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Madam Speaker, the National Defense Authorization Act for Fiscal Year 2008 contains provisions that are important to our troops serving abroad, to our national security and to my constituents in central Washington. It authorizes more funding for force protection, including over $4 billion for vehicles designed to protect our troops from improvised explosive devices, or IEDs, in Iraq.

This legislation includes the Wounded Warrior Act, which passed the House earlier this year, that would help address the challenges that face our recovering servicemembers and families. This bill also extends the language enacted last year to prevent TRICARE copay increases.

In addition to providing the authorization levels that our servicemembers need, I am pleased that the language was included that emphasizes congressional support for the National Nuclear Security Administration's role in the 300 Area transition at the Hanford Nuclear Reservation in my district and specifically at the Pacific Northwest National Laboratory.

The National Nuclear Security Administration, the Department of Energy Office of Science and the Department of Homeland Security all signed a memorandum of understanding last year agreeing to funding commitments for this very important transition.

□ 1045

The committee has been helpful on this issue in the past, and I appreciate its continued support in Pacific Northwest National Laboratory's 300 Area

transition. A successful transition at the lab will make it possible for nearly 1,000 scientists to continue their work and allow key national security related missions to continue.

Another issue that is an issue of great importance is the ongoing cleanup of the Department of Energy's Hanford nuclear site, which is a legacy going back to World War II. I am pleased this committee, like in recent years, has supported my request to authorize the full $690 million needed for the waste treatment plant next year.

Construction of the waste treatment plan is a critical effort to clean up some of our Nation's most dangerous legacy nuclear waste. I am pleased this legislation recognizes the importance of this project.

In addition to authorizing the funding needed for cleanup at Hanford, I am pleased that we are working to address the concerns of Department of Energy nuclear site workers who suffered health effects from their work at government sites. This bill includes language similar to a bill I recently cosponsored that extends and increases the scope of the Energy Employees Occupational Illness Compensation Program Ombudsman's Office so that it is still better to assist workers seeking compensation.

The Ombudsman's Office assists workers who have filed for compensation under this compensation program. These workers, Madam Speaker, played a vital role in our Nation's defense during the hot war and the Cold War. If it is found that their illness has been caused by their work, they deserve just and prompt compensation.

I am also pleased that funding is authorized to upgrade and expand the training range at the Yakima Training Center in my district. $29 million will be used to increase the size of the training space, allow for urban operation training, and support the digital systems used by today's Stryker forces. The new range is expected to be completed by August 2009, and will provide critical training for our active duty and Reserve Army soldiers.

Madam Speaker, while H.R. 1585 is a good bill, it is not a perfect bill. This bill cuts nearly $800 million in funding for a robust, layered ballistic missile defense system capable of intercepting missiles at all stages of flight. Despite recent missile tests in North Korea and the intelligence community's belief that within the next decade Iran will have missiles capable of reaching the United States, the Democrat majority of the House Armed Services Committee rejected a proposal to restore more than $764 million to the Missile Defense Agency's budget. I don't believe now is the time to slow down the development of a strong missile defense system. As ballistic missile threats increase, we must be able to develop the capabilities necessary to protect ourselves.

This bill also cuts $867 million from the Army's modernization program, the Future Combat Systems, which helps keep our Armed Forces prepared for future combat scenarios. It is important to find new technologies to optimize information flow and combat systems in the future, but the severe cuts in this bill puts the modernization of the Army in jeopardy. This 1-year cut is greater than cuts in the last 3 years combined.

Congressman TODD AKIN from Missouri, the ranking Republican on the House Armed Services Subcommittee on Oversight and Investigations, put forward an amendment to the Rules Committee last night to restore $134 million for Future Combat Systems. But sadly, his amendment was rejected on a party-line vote by the Democrat-controlled Rules Committee.

Madam Speaker, a total of 135 amendments were allowed to be submitted to the Rules Committee for consideration, and this rule allows for consideration of 50 amendments on the floor today. I am deeply troubled that for the first time, the first time during my tenure in Congress and tenure on the Rules Committee, Members of Congress reported that they were actually prohibited, prohibited from submitting an amendment to the committee after the deadline.

Specifically, Congressman AKIN from Missouri and Congressman GINGREY from Georgia attempted to offer second-degree amendments to an amendment offered by the gentleman from Maine (Mr. MICHAUD) concerning the morning-after pill.

These types of amendments by definition cannot be drafted until the text of the original amendment has been seen, and therefore, it was after the announced amendment deadline that each of those two Members, AKIN and GINGREY, attempted to submit their amendments. But the submission, the submission itself was denied by the Democrat majority.

While amendments to amendments are not the norm of the House, Members certainly have had the ability to offer such amendments to the Rules Committee, or at least they did, Madam Speaker, until this week.

So let me be clear. The Democrat leadership actually denied Members of Congress the opportunity to have their amendments presented and then denied by the committee because typically amendments that are offered late are denied. But they didn't even have the opportunity to submit them late.

All Members of Congress are elected to this body and they have the duty to represent their constituents through the legislative process. The manner in which these Members of Congress were treated was unnecessary. Madam Speaker, I certainly hope it never happens again.

I am also disappointed that the Democrat majority has chosen to go out of its way to be inconsistent and change the rules and definitions, leaving Members of Congress questioning what rules and norms they should follow. Democrats on the Rules Committee have chosen to strictly enforce the amendment deadline on some occasions, but on others they have made amendments in order that were submitted past the deadline. They have changed the definition of rules, and for the first time in at least a decade they have outright rejected Members of Congress from submitting amendments to the Rules Committee for consideration.

Last year, the Speaker and Members of the current majority pledged that this Congress would be the most open Congress in history. However, on several occasions now the Rules Committee has literally closed the door on Members and denied them the opportunity to submit an amendment to the committee.

Madam Speaker, I remain optimistic. I tend to have that in my nature. But so far, I must say the new Democrat majority, so far their actions have spoken much, much louder than their words.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, when it comes to the Rules Committee, I think the record should reflect the true reality.

On this Defense bill, over 130 amendments were filed and reviewed in committee, and a record-breaking number of 50 amendments have been allowed on this bill today.

Mr. HASTINGS of Washington. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I would ask the gentlewoman, how many of those 135 amendments were second-degree amendments?

Ms. CASTOR. None.

Mr. HASTINGS of Washington. None. That is precisely my point.

My point is how can a Member offer a second-degree amendment until an amendment has been offered to which a Member could respond to.

So the gentlelady talks about 135 amendments. That tends to be somewhere near the norm for Defense authorization bills in the past. So there is nothing outside that norm. I thank the gentlelady for making the point. None of the 135 were second-degree amendments, and my remarks were specifically addressed to second-degree amendments.

Ms. CASTOR. I thank my colleague from the Rules Committee because he is aware, and anyone who attended that committee meeting would be aware, that certain second-degree amendments were in fact offered by the other side of the aisle and were debated and voted upon in committee.

Mr. HASTINGS of Washington. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. It is true we, the minority members of the

Rules Committee, offered secondary amendments, but they are secondary amendments, and we had asked unanimous consent of the full committee to break the order because they were denied to be submitted on regular order.

So while, yes, we offered them and they were defeated on a party-line vote, had they been offered, they would have had a notation that they were late and they probably would have been rejected.

My point is you broke from tradition. You broke from tradition by not allowing a Member to submit an amendment late. That is my whole point. I thank the gentlelady for yielding.

Ms. CASTOR. I thank the gentleman.

The fact remains over 135 amendments were submitted on time to the Rules Committee, and a record-breaking number of 50 amendments are being allowed and made in order on this Defense bill.

I think it is also important to respond to the claims that missile defense is not funded through this bill. Indeed, that is incorrect. The record should reflect that only in Washington can a program be provided and funded with billions and billions of dollars for numerous decades; and then say, oh, we are suffering. In fact, that is not the case.

Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Colorado (Mr. UDALL), a member of the Armed Services Committee.

Mr. UDALL of Colorado. Madam Speaker, I thank the gentlelady for yielding me this time, and acknowledge her leadership on this rule, as well as the leadership of the gentleman from Washington, for having the kind of debate we should have on the floor of the House.

Madam Speaker, I rise in strong support of this rule and the bill. I want to applaud Chairman SKELTON for his leadership in guiding the bill to the floor today, and also acknowledge Ranking Member HUNTER and our expert staff on the committee.

I want to particularly acknowledge the way in which Chairman SKELTON worked with me on important items for Colorado, including limits on how the Army can pursue possible expansion of the Pinon Canyon Maneuver Site.

Others include funding a new squadron operations facility for the Colorado Air National Guard; promoting an agreement between the Air Force and the City of Pueblo about flight operations at the Pueblo airport; urging the Defense Department to use on-site disposal of chemical weapons stockpiled at the Pueblo Chemical Depot; asking the Army to track pilots who train at the High Altitude Aviation Training School in Eagle, Colorado; and naming a housing facility at Fort Carson in honor of our former colleague, Joel Hefley.

I am also pleased that the committee adopted two of my amendments, including one to repeal a provision adopted last year that makes it easier for the President to federalize the National Guard for domestic law enforcement purposes during emergencies. By repealing this, my amendment restores the role of the Governors with regard to this subject.

Madam Speaker, the bill rightly focuses on our military's readiness needs. After 5 years at war, both the active duty and the Reserve forces are stretched to their limits. The bill will provide what is needed to respond, including a substantial Strategic Readiness Fund and additional funds for National Guard equipment and training.

It enlarges the Army and the Marine Corps, consistent with the Tauscher-Udall Army expansion bill in the last Congress, and it will provide a 3.5 percent across-the-board pay raise for servicemembers, boost funding for the Defense Health Program, prohibit increasing TRICARE and pharmacy user fees, and establish a Traumatic Brain Injury Initiative to allow emerging technologies and treatments to compete for funding.

Madam Speaker, this is an excellent bill, a carefully drafted and bipartisan bill, and I urge its passage.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Speaker, I rise in opposition to this rule. I was surprised and chagrined when I looked over the long list of 50 amendments and saw missing from that list the Troops on the Border amendment which had been made in order for the 10 past years.

As you may recall, Troops on the Border would authorize our Armed Forces to combat illegal immigration, drug smugglers and potential terrorists. It would be optional for the troops to be used, but it would be a message to illegal aliens, those involved in the illegal drug trade, and those who would wreak harm on our country that we would use those troops where necessary to defend our borders.

Let me tell you just a minute about the history of this amendment. Between 1997 and 2001, it was offered five times by a Democrat and adopted by this body. I have had the honor for the past 5 years to offer the amendment, and it was adopted by the body each of those 5 years.

This bill would be much stronger and would send a message that we are serious about border security if this amendment had been made in order. I hope we will reject the rule for its failure to stand up for the integrity of our border.

Ms. CASTOR. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I would like to thank the gentlewoman from Florida for yielding me this time, and also for your effective leadership on the House Rules Committee.

□ 1100

Also, let me just acknowledge and thank our chairman of the House Armed Services Committee, Chairman SKELTON, for his dedication to the brave men and women who are serving in the Armed Forces and also to our national security.

I believe in this bill, Madam Speaker, that we should be taking meaningful steps to end the occupation of Iraq and to bring our troops home. Iraq is in a civil war, and our occupation only inflames the insurgency and puts our troops in harm's way. The facts on the ground betray the administration's empty rhetoric.

A majority of the American people support withdrawal from Iraq, and here we have a chance to press the issue further. We need enforceable timetables for withdrawal from Iraq, and we must hold this administration accountable.

Also, I am disappointed that the amendment which Congresswoman WOOLSEY and I offered was not made in order. Our amendment basically would have just simply required the President to present a plan for withdrawal and execute complete withdrawal within 6 months. It recognizes that there is no military solution to this civil war.

The bottom line is that we must continue to demand that the President end the occupation and bring our troops home, and we must do so at every opportunity.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Armed Services Committee.

Mr. FRANKS of Arizona. Madam Speaker, since mankind took up arms against his fellow human beings, every offensive weapon has been countered by a defensive weapon. The spear brought the shield. The sword spawned the suit of armor. Bullets brought heavier armor, and each succeeding advancement in offensive weapons has brought a defensive response wherein mankind hopes to buy a little more time.

Yet, today, when we are 60 years into the nuclear age and mankind faces the most dangerous weapons in the history of humanity, there is in this moment a debate in the United States Congress as to whether or not the United States of America should fully pursue defending its citizens against nuclear missiles.

Madam Speaker, the Rumsfeld Commission report stated that North Korea has developed a missile with a range of 10,000 kilometers, ''placing at risk western U.S. territory in an arc extending northwest from Phoenix, Arizona, to Madison, Wisconsin.''

In this Defense authorization bill, the Democrats cut nearly $800 million from missile defense. This prompted me to offer six amendments before the Rules Committee last night, but under this rule, Madam Speaker, only one has been made in order; and whether or not it will be adopted still remains to be seen. However, under the rule, one Democrat amendment that was made in order was one to cut missile defense another $1 billion.

Madam Speaker, if we truly build a layered missile defense system that may one day call on us to apologize to the American people for building a defensive system that proved unnecessary, that I can go home and live with. But God save us from the day when we will have to apologize to the American people for failing to build a system that could have protected them from the unspeakable nightmare of missiles turning American cities into nuclear flames.

Madam Speaker, if we build it, maybe they will not come.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

We did have a debate over missile defense in the Armed Services Committee, but at the end of the day, recall we had a unanimous vote, 58–0, bipartisan vote, to send this bill to the floor.

I would offer, there is no debate. We must protect this great country from nuclear threats, missile threats; and in fact, this bill does that.

We have provided $1.4 billion for Patriot PAC–3 and MEADS. These funds will be used to purchase additional interceptors, upgrade remaining firing units' configuration, continue the development of the MEADS program and purchase equipment for two additional Patriot battalions.

The committee also authorized $1.1 billion for Aegis BMD, an increase of $78 million above the budget request from the White House. These funds will be used to continue and expand the fielding of Standard Missile-3, improve the discrimination capabilities of the Aegis SPY1 radar, and continue the joint development with Japan of the SM–3 Block IIA missile.

We have authorized $2.3 billion for ground-based missile defense.

The committee supports THAAD and authorizes $858 million to continue the purchase of two THAAD firing units. So to come to the floor and say that missile defense is not provided for in this bill is incorrect.

What we are facing, though, is because of this war in Iraq, we have growing needs for the troops on the ground. So our committee made the decision that the troops on the ground come first; that they will have the body armor, they will have the MRAP vehicles, the mine-resistant vehicles, because that is the priority today. Tough decisions, but our troops come first on the ground.

Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, the Department of Energy and the Department of Defense have been proposing the development of a new nuclear warhead under the Reliable Replacement Warhead program, and they are also proposing an ambitious nuclear weapons complex modernization proposal called Complex 2030. And the bill we are going to be voting on today provides funding for those activities.

This is a multibillion dollar agenda, and it's being proposed, in my opinion, in a policy vacuum without any administration statement on the national security environment that the future nuclear deterrent is designed to address.

The lack of any definitive analysis or strategic assessment defining the agenda of future nuclear stockpiles makes it impossible for Congress to weigh the relative merits of investing the billions of taxpayer dollars in new nuclear weapon production activities when the United States is facing the other challenge of having too large a stockpile as a legacy from the Cold War.

Now, the argument for the Reliable Replacement Warhead program started out with a concern that was most frequently expressed, at least was about, the expected lifetimes of the plutonium pits, which are the nuclear core of our existing nuclear weapons. At the time, their projected life span was 45–60 years, and with some of our arsenal having entered the force in the 1970s and 1980s, there would be a cause for concern.

However, just a few months ago, we received a new study performed by the independent JASON panel, a highly respected body often consulted on technical issues. That study, using data compiled by the nuclear weapons labs, shows that all the plutonium pits in our existing weapons have life spans of at least 85 years, and most are good for 100 years or more. The labs themselves agree with the studies. So, it seems there isn't a threat to the reliability of our current nuclear warheads.

So I think we need to be careful. This bill, while funding was reduced somewhat on the Reliable Replacement Warhead program, I think we need to be careful about going down a path that we may not need to go down.

In conclusion, we should be careful not to hurry down a path when the reliable plutonium pit is no longer an issue. Should we be in a hurry to go down a path when the history of the Department of Energy includes a long list of cancelled and over-budget projects that were started before the objective was thoroughly thought through and understood? We should not make that mistake with the Nation's nuclear weapons complex or the decisions to begin building new nuclear weapons.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. AKIN), a member of the Armed Services Committee.

Mr. AKIN. Madam Speaker, the rule that we are considering does not allow a very critical amendment which we voted on in committee. Several of the votes that were most important in committee were not done in a bipartisan way. They were strict party-line votes. This was one of those. One was missile defense; the other is the modernization program for the Army.

The modernization program for the Army that I am talking about was cut by 25 percent, a massive slash in that particular program. What that program does is, it provides the first major modernization program in the last 40 years for the Army. What the program does is, it provides real-time online information, networking, a whole group of different sensors, satellites and individuals on the field, tanks, unmanned aerial vehicles, pulling all that information together to give us accurate and timely information in the battlefield.

Now, anybody who's studied military warfare will tell you that if you just had this piece of information or that piece of information, the tide of battle would have shifted, and so this whole system is designed to provide that information for our warfighters. It has been slashed 25 percent. It is called Future Combat Systems.

Why is that important? First of all, it means you've got to go all the way back to the drawing board with this program, changing all the time schedules. It is tremendously complex.

The second thing is that this program really is the forerunner for things that will be used by the Marines and the Navy. The Navy calls it more network centric warfare, but the concept, the software, will be the same.

Now, we are denied an opportunity to try to restore some funding to the Army's first major modernization program in 40 years. The result is that our sons and daughters will have to pay the price. My own sons will have to pay the price because we have not gotten the information that is absolutely critical to our warfighter there at the time that we need to do it.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

I think it is also very important for the record to reflect that the Army is fully funded in its needs. Indeed, $13.6 billion are authorized through this Defense bill to fully address the equipment reset of the Army.

What has happened, because of the war in Iraq and in Afghanistan, and we all know this, but readiness of our Armed Forces has suffered. Indeed, the Army Chief of Staff testified before the Armed Services Committee that the escalation of the war creates a terrible strategic risk for this country.

If there was any other threat from across the globe that threatened our national security, it would be very difficult for us to respond because all of the equipment, all of the trucks, the Humvees, are there in Iraq. When the units are deployed and go over to Iraq, they are not able to bring the equipment back.

This was highlighted recently in the State of Kansas with these terrible tornados, when the governor of Kansas told us directly that they were not able to respond as quickly. I'll tell you, coming from the State of Florida, at the beginning of the hurricane season, this is an issue.

We have also had to make these tough decisions about equipping our

warriors on the ground with the equipment that they need.

The Army came forward during their budget discussion in Armed Services and said our most critical need are these mine-resistant ambush vehicles that have the armor to withstand the IEDs that has caused so much death and destruction. The Bush administration did not have a funding plan for those MRAP vehicles. So what do we do?

We have got to provide the troops on the ground with the equipment they need to stay safe and survive. Does that mean that some other programs that aren't as tested and aren't as proven get a slight cut? Yes, it does. Yes, it does, because that is a priority, protecting the troops on the ground today.

Mr. TIAHRT. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Kansas.

Mr. TIAHRT. Madam Speaker, being the gentleman from Kansas here, I would like to address the mention of the Kansas National Guard.

I was in Greensburg, Kansas, where the tornado occurred, four times since it has occurred and on Saturday the day after the tornado occurred, General Tod Bunning, the Adjutant General of Kansas, said he had all the equipment needed to respond to emergencies in Kansas. This was restated by him again on Monday and again Wednesday when the President visited.

So the Army National Guard in Kansas has plenty of equipment to respond to emergencies, and to reference that it does not have the equipment would be a mischaracterization of the facts in Kansas.

I thank the gentlewoman for yielding.

Ms. CASTOR. Madam Speaker, I thank the gentleman and before I reserve the balance of my time, on the future combat systems, so the record is clear, only in Washington can you provide $2.8 billion to a program and then say that's not enough.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the ranking member of the Committee on Veterans' Affairs.

Mr. BUYER. Madam Speaker, I thank the gentleman for yielding.

I am coming to the floor deeply disappointed that the Rules Committee has denied two amendments that would have protected veterans. We in the VA maintain a national formulary based on a system of deep discounts on prescription drugs through a system of price controls, and we maintain this national formulary. We're able to do that because we are able to purchase drugs at 76 percent of the non-Federal average manufacturing price.

□ 1115

It is a price control. But what is happening? The onslaught of the Democrat majority against pharmaceutical manufacturers continues. They want now to extend the price controls, VA pricing, now into DOD.

All I asked for was an amendment. The amendment would have asked for a certification from the Secretary of Defense to this Congress that their ambition to do this would not increase prices on our veterans.

The VA national formulary amounts to about 1 percent of the pharmaceutical marketplace. The more we extend these price controls, whether it goes into the DOD TRICARE pharmacy, they even want to extend it into Medicare. As you do that, we continue to cost shift.

I am deeply disappointed that the Democrat majority would make this onslaught, not just against pharmaceutical manufacturers, that gets their political juices going, but in the meantime they are going to smack veterans right in the face. It is very disappointing. Now, it is a simple amendment, and they should have made it in order.

There was a second amendment. The second amendment that I asked to be in order, that was also denied, was that I asked that with regard to this provision, whereby the Secretary of Defense may now be able to deny a drug being placed on the TRICARE formulary, if they do not offer the Federal pricing schedule, I asked that, with regard to this provision the Secretary shall not be able to exclude from the pharmacy benefits program any pharmaceutical agent that the Pharmacy and Therapeutics Committee determines to be clinically effective or that the patient or the provider demonstrates to the satisfaction of the Pharmacy and Therapeutics Committee that it is clinically necessary. That's denied also.

I am stunned. I am stunned. But let's be very clear, America, what is happening. This is a socialist policy. You say oh, my gosh, STEVE, don't use the word ''socialist.'' No, this is a socialist policy. A socialist policy is one of price controls. Why do we say we do that with regard to veterans? Because we say in the VA there is no greater classification of people in our society that we should be able to give these deep discounts to than our disabled veterans.

But then what does the Democrat majority want to do? They want to take these deep discounts then and give them into TRICARE, give them into the Medicare prescription drug program. They want to continue to use price controls.

What happens when you do that? Not only do you cost shift, but you also have a dulling effect on research and development that hurts, that hurts this country. I am deeply disappointed that these amendments were denied.

Ms. CASTOR. Madam Speaker, I yield 2 minutes to my distinguished colleague from the Armed Services Committee, Ms. GIFFORDS of Arizona.

Ms. GIFFORDS. Madam Speaker, I rise today to highlight a very important issue facing our Nation that is addressed in this legislation, mental health care for our troops. The mental health implications of extended and repeated combat tours in Iraq and Afghanistan are now only beginning to be understood.

Among Vietnam-era veterans, the lifetime rate of PTSD, sometimes taking decades to appear, is 30 percent. According to the VA, the current rate for Iraq and Afghanistan veterans is already 20 percent. The mental health needs of the generation of combat veterans that we are creating will face this country for decades to come.

We must realize that the nature and scope of warfare has changed, bringing a new level of stress to combat deployments that is fundamentally new. Even in the Green Zone of Baghdad soldiers are repeatedly attacked and regularly attacked.

The troops must cope with ongoing severe stress for months to come. Experts tell us that extended periods of stress like this, with no way to alleviate it, create the conditions where PTSD is most likely to develop.

According to a recent report in the New England Journal of Medicine, 95 percent of troops in Army and Marine units report having been shot at during their deployment, and 95 percent report seeing dead bodies, 89 percent report being ambushed or attacked. One in five is currently suffering from depression, anxiety or stress while deployed. Twenty percent are now facing marital problems, including divorce or legal separation from their spouse. The after-effect of these extended and highly stressful combat deployments will continue to affect their families, the military and our communities for many, many years to come.

I believe that we need to shift towards preventive care. What we know from our experience is that PTSD not being treated can start a downward tragic cycle of addiction, isolation and despair. This bill improves a mental health training for military case managers working with outpatient facilities like Walter Reed so they can identify problems early.

This way we can help provide treatment before returning servicemen are discharged and left to fend for themselves. This bill also creates critical new funding to best identify practices. Mental health is critical for our troops, and I am very interested in passing this legislation.

Madam Speaker, I rise today to highlight a very important issue facing this country that is addressed in this legislation: mental health care for our troops. The mental health implications of extended, and repeated combat tours in Iraq and Afghanistan are now only beginning to be understood.

Among Vietnam-era veterans, the lifetime rate of Post-Traumatic Stress Disorder, sometimes taking decades to appear, is about 30 percent. According to the VA, the current rate for Iraq and Afghanistan veterans is already 20 percent.

The mental health needs of the generation of combat veterans that we are creating will face this country for decades to come. We must realize that the nature and scope of warfare has changed, bringing a level of stress to combat deployments that is fundamentally new.

Even the Green Zone in Baghdad is attacked regularly, and the lives of troops stationed there are literally at risk every single day of their deployments. The troops must cope with ongoing, severe stress for months on end. Experts tell us that extended periods of stress like this, with no way to alleviate it, create the conditions where PTSD is most likely to develop.

According to a recent report in the New England Journal of Medicine, 95 percent of troops in Army and Marine units report having been shot at during their deployment, and 95 percent report seeing dead bodies. Eighty-nine percent reported being ambushed or attacked.

One in five is suffering from depression, anxiety or stress while deployed. Twenty percent face marital problems including divorce or legal separation from their spouse.

The after-effect of extended and highly stressful combat deployments continues to affect military communities and families long after the service member has returned home.

I believe the most important shift is to move toward preventative care. What we know from decades of experience is that PTSD, left untreated, can begin a tragic downward spiral of addiction, isolation and despair.

This bill improves the mental health training for military case managers working with outpatients at facilities like Walter Reed, so they can identify potential problems early. This way, we can help provide treatment before returning servicemen are discharged and left to fend for themselves.

It authorizes critical new funding to identify best practices and build up our clinical knowledge of PTSD and how best to treat it. And it creates a mechanism to improve the transition from the DoD health system into the VA system, so that service members will not fall through the cracks.

Not every American chooses to wear the uniform and serve this country. Not every family stays up lonely nights and waits for a father, husband, mother, wife, or child to come home. Not everyone hears the call of their country and says 'send me.' But for those who do, we owe it to be there for them when they get back.

I will be proud to vote for this legislation that supports our troops and brings a new focus on critical mental health issues.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2½ minutes to the gentlelady from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, the Democrat leadership has blocked several important amendments on this bill, and I will oppose this rule. But there is one that they block that makes absolutely no sense, and it really calls into question the priorities of the majority on the Rules Committee.

There are 2 million women in this country's history who have served in uniform. All of them have been volunteers, and I was one of them. I am the only woman veteran serving in the United States Congress.

One in seven Americans serving in Iraq or Afghanistan are women, and the challenges that they face when they come home are often different than their male counterparts, particularly when accessing health care from both DOD facilities and VA facilities. Many women veterans don't even call themselves veterans and don't know that they are eligible for care, and care is not always available that is appropriate for women in the VA system.

I offered an amendment that was noncontroversial, and it wasn't even particularly aggressive. All it said was that we should have a bipartisan commission to make some recommendations to us to get a group of people together, including women veterans, to make recommendations to this House on how we can make this system better for women veterans so they can get the health care that they need, and all of us have seen the problems that women veterans are facing.

The amendment wasn't made in order.

Now, I know, like everyone else, that time on the floor is limited, and we can't do everything. But I would note that an amendment was made in order for a study in Ms. SLAUGHTER's district, the chairwoman of the Rules Committee, for a plan for Niagara Air Reserve Base in her district. So we have got time on the floor to have an amendment for a study for Ms. SLAUGHTER, but 2 million women veterans don't count as much.

So I would ask my colleague here from Florida, who is here defending the decision of the Rules Committee, why did you, in your committee, think it was more important to allow an amendment for a study of Niagara Air Reserve Base in Ms. SLAUGHTER's district and to turn your back on 2 million women veterans?

I yield 30 seconds to get an answer from the Rules Committee. Why is the Niagara Air Reserve Base study more important than helping 2 million women veterans get their health care? You didn't rule my amendment in order. What's your excuse?

Ms. CASTOR. I thank the gentlewoman for yielding.

We did have, in over 5 months of the Armed Services Committee, many opportunities to hear from Members across the aisle. I question why this wasn't brought up before the committee at that time.

Mrs. WILSON of New Mexico. I am not, as the gentlewoman knows, I am not a member of the Armed Services Committee. This is my opportunity to offer the amendment, and you have set your priorities.

Mr. HASTINGS of Washington. I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I am so upset that the Democrat majority has denied my amendments. I am trying to protect America's veterans.

MOTION TO ADJOURN

Mr. BUYER. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana (Mr. BUYER).

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 161, nays 253, not voting 18, as follows:

[Roll No. 350]

YEAS—161

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Brady (TX)
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)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Tancredo
Thornberry
Tiahrt
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—253

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
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
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Engel
Fattah
Hirono
McMorris Rodgers
Miller (FL)
Moran (VA)
Nadler
Sires
Sullivan
Towns
Watson
Weldon (FL)

□ 1149

Mrs. McCARTHY of New York, Messrs. LANTOS, BOOZMAN, KELLER of Florida, WALSH of New York, TIM MURPHY of Pennsylvania, SAXTON, SCHIFF, TIBERI, ANDREWS and CONYERS changed their vote from ''yea'' to ''nay.''

Mr. GILCHREST changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, as I stated in the CONGRESSIONAL RECORD: ''On Rollcall vote 340, I was recorded as a 'yes' vote when I intended to cast a 'no' vote.'' I wish to clarify on the RECORD my miscast vote and my strong support for the National Drug Intelligence Center located in Johnstown, Pennsylvania, right outside of the 18th Congressional District. I was pleased to support funding for the NDIC in the Intelligence authorization bills in both the 108th and 109th Congress.

I look forward to continuing my work in support of the critical intelligence work of this agency.

PROVIDING FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore (Ms. BALDWIN). The time remaining in the debate on the rule, the gentlewoman from Florida (Ms. CASTOR) controls 4 minutes, the gentleman from Washington (Mr. HASTINGS) controls 9½ minutes.

Mr. HASTINGS of Washington. Madam Speaker, I'd ask my friend from Florida how many speakers she has on her side.

Ms. CASTOR. Madam Speaker, I have one remaining speaker before the close, so I'll reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, I rise today to speak against this rule. There are two provisions in this bill regarding specialty metals that will make a bad situation worse. I offered two amendments to help correct this problem but, unfortunately, the majority did not allow either of the amendments. As a result, the Democrat majority will force high quality union jobs overseas.

My amendment would have also addressed the problems with the specialty metals and the country of origin specialty metals problem.

Can you believe that today we simply exempt foreign suppliers from the specialty metals provisions. If a product containing specialty metals comes from 18 other countries like France, Germany or Canada, they simply do not have to comply.

This provision is a competitive disadvantage for American industry and American workers. And here's how it works today. Caterpillar makes diesel engines for the Army. These are very common, commercially available engines that operate in civilian construction and trucking industry all over the world. This engine is manufactured by American workers in their Greenville, South Carolina plant.

But Caterpillar also manufactures the very same engine in Belgium. Because of the world demand, Belgium is also a qualifying country. That means that if Caterpillar makes an engine for the MRAP in South Carolina, they must go through the expensive process of documenting the nation of origin of the specialty metals content of every component in the engine. Or they could simply shift the production to Belgium and avoid the process and save money. This puts American jobs at risk because of this outdated legislation, and this rule denies us the ability to protect American workers in this bill.

It's simply unconscionable that we would legislate a competitive disadvantage upon American companies and American workers. And it's even more disheartening that Congress refuses to address the unintended consequences of this decade old problem.

DOD should be leveraging the industrial might of the United States to provide the best technology for our soldiers. But we're denied that ability in this rule.

Ms. CASTOR. Madam Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the rule and the underlying bill. I know Chairman SKELTON and Ranking Member HUNTER have worked exceptionally hard on this bipartisan measure, and I thank them for their leadership.

Our operations in Iraq and Afghanistan have put great strain on our military, and this bill will reverse the decline in readiness. It adds funds for force protection programs such as mine resistant combat vehicles, IED countermeasures and body armor and a much deserved pay raise for the troops.

I'm also pleased that the measure recognizes the importance of submarines to our national security by adding $588 million to construct a second *Virginia*-class submarine as early as 2009, 3 years earlier than planned. This is welcome news to the men and woman at Electric Boat in Rhode Island, as well as Groton, Connecticut, as well as our entire submarine industrial base, which is threatened by an insufficient workload. The Navy's current shipbuilding plan would have our submarine fleet drop to dangerously low levels in future years, just as other nations are increasing their naval capabilities.

I've been working exceptionally hard for 6 years to address this important national security issue, and I thank Chairman SKELTON and Seapower Chairman TAYLOR for their commitment to a robust submarine force.

This is a good bill and a good rule and, Madam Speaker, I urge its passage. And I thank my colleague for the time.

The rule before us makes in order an amendment I am offering with the gentleman from Maine, Mr. MICHAUD, that would require military pharmacies to include emergency contraception in the basic core formulary. Access

to this contraception is important to our servicewomen—particularly those who have been the victims of sexual assault—and I urge my colleagues to support our amendment.

We can show our appreciation for all the men and women who keep our Nation safe by voting for this rule and the defense authorization act.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma, a member of the Armed Services Committee, Mr. COLE.

Mr. COLE of Oklahoma. Madam Speaker, I rise today in opposition to the rule. As a member of the House Armed Services Committee and having formerly served on the Rules Committee, I'm both disappointed and disturbed by the manner in which the rule has been reported to the floor.

Let's be forthright about this, Madam Speaker. The committee authorized an enormous number of amendments. But numbers alone do not translate into meaningful policy options and good debate on the floor of this body.

Let's look at a couple of things that the committee chose not to make in order. The committee did not make in order an amendment by Mr. AKIN that addresses important concerns, including the evisceration of the Army's only modernization effort and reducing by $867 million the Future Combat System.

The committee did not make in order many of the amendments that were necessary to address the evisceration of our Missile Defense System and that, Madam Speaker, at a time when our intelligence tells us the North Koreans and the Iranians are continuing to develop dangerous missile capability.

With respect to the underlying legislation itself, Madam Speaker, Chairman SKELTON was given an incredibly difficult job. He was not given enough money, in my opinion, enough authorizing authority to address all the needs that he faced.

Nevertheless, he and Ranking Member HUNTER and their subcommittee chairmen accomplished some important things that we should not lose sight of. One good thing that was accomplished was the increase in the end strength of both the Army and the Marine Corps, something many of us have long advocated, something the President now agrees to and something I'm glad to see underway.

Additionally, the legislation included the Wounded Warriors Act, and also included my language to create a program for pre- and post-deployment neurocognitive assessments of our servicemen. I think that was a very good thing, and I appreciate the chairman for working with us on that.

The underlying legislation also addresses depot concerns and maintenance in a way that encourages me, that increased the amount of money in depot accounts.

And finally, I was happy to see that the majority continues to recognize, as we do, the importance of developing the non-line-of-sight cannon and remains committed to the new field increase.

With that, I still remain disappointed the rule did not allow the options.

□ 1200

Ms. CASTOR. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentlewoman for yielding.

This is a very important bill. Amongst other things it is because for the first time the Department of Defense is required to consider the effects of global warming on Defense Department facilities, capabilities, and missions. It requires that the Department of Defense in three central defense planning documents, the National Security Strategy, the National Defense Strategy, and the Quadrennial Defense Review, look at the impacts of global warming on the facilities and capabilities of the United States military.

This is a central issue. I am the chairman of the Select Committee on Global Warming. We had testifying before us General Gordon Sullivan, representing 11 three-and four-star admirals and generals who are all very concerned that this issue of global warming has major national security implications for the United States.

By including this requirement in this bill, we are beginning to focus upon the long-term needs that we have to focus on in order to protect our country and give the resources to the Department of Defense.

Madam Speaker, I rise today in support of this rule, and in strong support of a provision within the National Defense Authorization Act for Fiscal Year 2008 which requires, for the first time, the Department of Defense to consider the effect of global warming on Department facilities, capabilities, and missions.

I commend Chairman SKELTON for including this important language, which will allow our armed forces to begin preparing, in a strategic, Department-wide manner, for the impact that global warming could have on our national security.

This provision requires the threat of global warming to be assessed, and guidance for military planners to be issued, in the next versions of three central defense planning documents: The National Security Strategy, The National Defense Strategy, and the Quadrennial Defense Review.

The very first hearing of the new Select Committee on Energy Independence and Global Warming focused on the geopolitical and security consequences of our dependence on foreign energy and the looming threat of global warming. We heard from former Chief of Staff of the Army General Gordon Sullivan, who presented a report by eleven retired three- and four-star generals and admirals arguing that global warming is a grave national security threat, and must be treated as such by our defense establishment and by this Congress.

Last month, Congressman BARTLETT and I introduced the Global Climate Change Security Oversight Act, with the intention of jump-starting our government's analysis of and preparation for the national security consequences of global warming. Our bill would require a National Intelligence Estimate on the impact of global warming, and last week exactly such an NIE was mandated by the Intelligence Authorization bill. Our bill also encourages the Department of Defense to integrate into our defense planning the threats posed by global warming, and I am very pleased that this priority is being mandated in this year's Defense Authorization Act.

Thinking about global warming as a national security issue is new for many Members, but with the speed that the major provisions of the Global Climate Change Security Oversight Act have been adopted by this House, I feel confident that the Congress is making progress in broadening how we think about global warming. It is crucial for the national security of this country that the Congress continue along this path. We must push our defense and intelligence communities to address this threat, and we must offer, debate, and implement solutions to the underlying problem.

I am also pleased to support and cosponsor an amendment that will be offered during debate on this bill by the gentleman from Illinois, Mr. LIPINSKI, which would require the use of high efficiency light bulb in Department of Defense buildings when new bulbs are installed or old bulbs are replaced. This amendment will help lower energy consumption in Defense Department facilities, reduce greenhouse gas emissions, help promote energy independence, and result in millions of dollars of savings for the American taxpayer—all without impeding the operations of the U.S. military.

I urge adoption of the Rule.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa, a member of the Appropriations Committee (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Washington for yielding.

I rise today in strong opposition to this rule, and there is one very good reason. Partisanship has reached an unconscionable level in this House.

Just for the simple fact that I am in the minority party, the Rules Committee did not allow an amendment which would have given a 9-year-old child from my district access to the death gratuity that her mother wanted her to have when she was killed in Iraq, just for partisan reasons.

Susan Jaenke, the mother of Jaimie Jaenke, who was killed in Iraq, along with her granddaughter, Kayla, came to Washington at great expense and trouble and testified before the Veterans' Affairs Subcommittee. There was broad bipartisan support for an amendment that would simply allow access to the death gratuity of Jaimie Jaenke by her daughter.

This is outrageous, the fact that you would deny a 9-year-old child access. Her grandparents don't have the money to raise this child. She has no spouse. It would not cost a dime. It is the right thing to do. In the committee, on a bipartisan basis, people said they would do anything possible to help in this situation. I brought this before the Rules

Committee and explained what is going on, how this child is denied access to funding so that she can have a decent life; and it was denied simply for partisan reasons. I would think you would be ashamed.

And this is not just a single case. There are at least 143 cases exactly like this. And to deny a child access to this benefit is simply outrageous.

Vote against this outrageous rule.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I rise in opposition to the rule.

The authorizing committee saw fit to include some 680 earmarks that we got news of just yesterday in the bill. Yet I offered four amendments to debate these earmarks and wasn't allowed any of them.

If they can allow 680 earmarks at the last minute in a bill, you would think that the Rules Committee could have seen fit to at least allow debate on a few of them.

The earmarks include $5 million for Diminishing Manufacturing Sources for Automation Alley in Troy, Michigan; $2 million for the Physician Order Entry Initiative for Mission Hospitals, which is a private hospital in Asheville, North Carolina, and keep in mind this is a Defense authorization bill here; $10 million for Hunters Point Naval Shipyard, a former naval shipyard being economically revitalized with taxpayer dollars, defense dollars, for the city of San Francisco; and $500,000 for Rapid Identification of Technology Sources for the San Diego East County Economic Development Council.

Our role here should be to ensure that our Defense dollars are spent on defense, not economic revitalization, not nondefense private ventures. That is why these amendments were offered. Unfortunately, the only shot we might have at checking these amendments is in the appropriations process. By the time we get there, the Members will say these projects were authorized, implying that there was some sort of scrutiny given when there surely has not been.

So, unfortunately, we cannot support this rule. It doesn't allow debate on any of the 680 earmarks in the bill.

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

Madam Speaker, I will be asking for a ''no'' vote on the previous question so that I can amend section 2(c) of this rule after ''shall not be subject to amendment'' and insert ''(except the amendment numbered 43 in the report, to be offered by Representative MICHAUD of Maine, or his designee).''

By defeating the previous question, Members will be able to offer amendments to the Michaud amendment, and a full and wide range of views can be discussed. Those rules were denied because we were not allowed to offer secondary amendments, at least, to the Rules Committee.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

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

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

To my colleagues on the Armed Services Committee, I thank you for your diligence and hard work. Great thanks also to the professional staff of the Armed Services Committee. And I think we all must salute the great leadership of Chairman IKE SKELTON, who produced a bipartisan product that passed that committee 58–0.

Madam Speaker, I urge this Congress to chart a new direction today for a stronger and safer America. We will improve the readiness of our Armed Forces, including the National Guard and Reserves. We will put a stop on the blank check given to the White House by previous Congresses for the war in Iraq and, instead, require greater accountability for operations and contracting in the region. We will drive more strategic decisions and investments to better protect our national security.

With that, Madam Speaker, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 403 OFFERED BY MR. HASTINGS OF WASHINGTON

In section 2(c) after ''shall not be subject to amendment'' insert ''(except the amendment numbered 43 in the report, to be offered by Representative Michaud of Maine, or his designee)''.

(Pretty much the same as what Mr. Sessions offered last night)

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 9, as follows:

[Roll No. 351]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
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, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

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

NOT VOTING—9

Cubin
Davis, Jo Ann
Delahunt
Engel
Fattah
McMorris Rodgers
Miller (FL)
Nadler
Sires

□ 1232

Mr. McHENRY changed his vote from ''yea'' to ''nay.''

Mr. BAIRD changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 9, as follows:

[Roll No. 352]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
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, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
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
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk

Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cubin
Davis, Jo Ann
Delahunt
Engel
Fattah
McMorris Rodgers
Miller (FL)
Nadler
Sires

□ 1241

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.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Madam Speaker, I ask unanimous consent that votes in series be reduced to 2 minutes.

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

Mr. DAVIS of Kentucky. Madam Speaker, I object. The minority has not cleared this.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. DAVIS of Kentucky. Madam Speaker, because the amendment to equalize benefits for wounded Guardsmen and Reservists with the regular Army was rejected by the Rules Committee yesterday, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DAVIS of Kentucky moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Kentucky (Mr. DAVIS).

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

Mr. DAVIS of Kentucky. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 245, not voting 30, as follows:

[Roll No. 353]

YEAS—157

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
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
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
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
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—30

Calvert
Capito
Coble
Cubin
Davis, Jo Ann
Delahunt
Engel
Gilchrest
Goode
Hall (NY)
Hastings (FL)
Hill
Maloney (NY)
Manzullo
Marshall
McMorris Rodgers
Miller (FL)
Murphy, Patrick
Nadler
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Radanovich
Simpson
Sires
Souder
Stark
Tiahrt
Van Hollen

□ 1300

Mr. RANGEL and Mr. McNERNEY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PATRICK J. MURPHY. Madam Speaker, on rollcall No. 353, had I been present, I would have voted ''nay.''

CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. SPRATT submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 21) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008,

and setting forth appropriate budgetary levels for fiscal years 2009 through 2012:

CONFERENCE REPORT (H. REPT. 110–153)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 21), revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2008 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGET PROCESS

Sec. 201. Pay-as-you-go point of order in the Senate.
Sec. 202. Senate point of order against reconciliation legislation that would increase the deficit or reduce a surplus.
Sec. 203. Senate point of order against legislation increasing long-term deficits.
Sec. 204. Emergency legislation.
Sec. 205. Extension of enforcement of budgetary points of order in the Senate.
Sec. 206. Point of order against advance appropriations.
Sec. 207. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 208. Application of previous allocations in the Senate.
Sec. 209. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 210. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 211. Application and effect of changes in allocations and aggregates.
Sec. 212. Adjustments to reflect changes in concepts and definitions.
Sec. 213. Exercise of rulemaking powers.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for veterans and wounded servicemembers.
Sec. 303. Deficit-neutral reserve fund for tax relief.
Sec. 304. Deficit-neutral reserve fund for Medicare improvements.
Sec. 305. Deficit neutral reserve funds for health care quality, effectiveness, efficiency, and transparency.
Sec. 306. Deficit-neutral reserve fund for higher education.
Sec. 307. Deficit-neutral reserve fund for the Farm Bill.
Sec. 308. Deficit-neutral reserve fund for energy legislation.
Sec. 309. Deficit-neutral reserve fund for county payments legislation.
Sec. 310. Deficit-neutral reserve fund for terrorism risk insurance reauthorization.
Sec. 311. Deficit-neutral reserve fund for affordable housing.
Sec. 312. Deficit-neutral reserve fund for receipts from Bonneville Power Administration.
Sec. 313. Deficit-neutral reserve fund for Indian claims settlement.
Sec. 314. Deficit-neutral reserve fund for improvements in health.
Sec. 315. Deficit-neutral reserve fund for child care.
Sec. 316. Deficit-neutral reserve fund for immigration reform in the Senate.
Sec. 317. Deficit-reduction reserve fund.
Sec. 318. Deficit-neutral reserve fund for manufacturing initiatives in the Senate.
Sec. 319. Deficit-neutral reserve fund for the Food and Drug Administration in the Senate.
Sec. 320. Deficit-neutral reserve fund for Medicaid.
Sec. 321. Reserve fund adjustment for revenue measures in the House.
Sec. 322. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 323. Deficit-neutral reserve fund for selected tax relief policies in the Senate.

TITLE IV—POLICY

Sec. 401. Policy on middle-income tax relief.
Sec. 402. Policy on defense priorities.
Sec. 403. Policy on college affordability.

TITLE V—SENSE OF THE HOUSE AND SENSE OF CONGRESS

Sec. 501. Sense of Congress on servicemembers' and veterans' health care and other priorities.
Sec. 502. Sense of Congress on the Innovation Agenda: A commitment to competitiveness to keep America #1.
Sec. 503. Sense of Congress on homeland security.
Sec. 504. Sense of Congress regarding the ongoing need to respond to Hurricanes Katrina and Rita.
Sec. 505. Sense of Congress regarding long-term sustainability of entitlements.
Sec. 506. Sense of Congress regarding the need to maintain and build upon efforts to fight hunger.
Sec. 507. Sense of Congress regarding affordable health coverage.
Sec. 508. Sense of Congress regarding extension of the statutory pay-as-you-go rule.
Sec. 509. Sense of Congress on long-term budgeting.
Sec. 510. Sense of Congress regarding pay parity.
Sec. 511. Sense of Congress regarding waste, fraud, and abuse.
Sec. 512. Sense of Congress regarding the importance of child support enforcement.
Sec. 513. Sense of the House on State veterans cemeteries.
Sec. 514. Sense of Congress on the State Criminal Alien Assistance Program.

TITLE VI—RECONCILIATION

Sec. 601. Reconciliation in the House.
Sec. 602. Deficit reduction reconciliation instruction in the Senate.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,900,340,000,000.
Fiscal year 2008: $2,015,858,000,000.
Fiscal year 2009: $2,113,828,000,000.
Fiscal year 2010: $2,169,484,000,000.
Fiscal year 2011: $2,350,254,000,000.
Fiscal year 2012: $2,488,301,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2007: −$4,366,000,000.
Fiscal year 2008: −$34,938,000,000.
Fiscal year 2009: $6,902,000,000.
Fiscal year 2010: $5,763,000,000.
Fiscal year 2011: −$44,296,000,000.
Fiscal year 2012: −$108,795,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,380,535,000,000.
Fiscal year 2008: $2,496,028,000,000.
Fiscal year 2009: $2,517,132,000,000.
Fiscal year 2010: $2,569,696,000,000.
Fiscal year 2011: $2,684,889,000,000.
Fiscal year 2012: $2,719,268,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,300,572,000,000.
Fiscal year 2008: $2,469,636,000,000.
Fiscal year 2009: $2,566,481,000,000.
Fiscal year 2010: $2,600,036,000,000.
Fiscal year 2011: $2,692,104,000,000.
Fiscal year 2012: $2,703,556,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2007: $400,232,000,000.
Fiscal year 2008: $453,778,000,000.
Fiscal year 2009: $452,653,000,000.
Fiscal year 2010: $430,552,000,000.
Fiscal year 2011: $341,850,000,000.
Fiscal year 2012: $215,255,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2007: $8,932,264,000,000.
Fiscal year 2008: $9,504,150,000,000.
Fiscal year 2009: $10,073,725,000,000.
Fiscal year 2010: $10,622,023,000,000.
Fiscal year 2011: $11,077,407,000,000.
Fiscal year 2012: $11,419,028,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,047,318,000,000.
Fiscal year 2008: $5,312,560,000,000.
Fiscal year 2009: $5,561,383,000,000.
Fiscal year 2010: $5,774,487,000,000.
Fiscal year 2011: $5,881,776,000,000.
Fiscal year 2012: $5,850,852,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $637,586,000,000.
Fiscal year 2008: $668,998,000,000.
Fiscal year 2009: $702,851,000,000.
Fiscal year 2010: $737,589,000,000.
Fiscal year 2011: $772,605,000,000.
Fiscal year 2012: $807,928,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $441,676,000,000.
Fiscal year 2008: $460,224,000,000.
Fiscal year 2009: $478,578,000,000.
Fiscal year 2010: $499,655,000,000.
Fiscal year 2011: $520,743,000,000.
Fiscal year 2012: $546,082,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2007:

(A) New budget authority, $4,692,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2008:
(A) New budget authority, $4,850,000,000.
(B) Outlays, $4,859,000,000.
Fiscal year 2009:
(A) New budget authority, $4,996,000,000.
(B) Outlays, $4,970,000,000.
Fiscal year 2010:
(A) New budget authority, $5,147,000,000.
(B) Outlays, $5,121,000,000.
Fiscal year 2011:
(A) New budget authority, $5,306,000,000.
(B) Outlays, $5,278,000,000.
Fiscal year 2012:
(A) New budget authority, $5,467,000,000.
(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):
Fiscal year 2007:
(A) New budget authority, $525,797,000,000.
(B) Outlays, $534,270,000,000.
Fiscal year 2008:
(A) New budget authority, $506,955,000,000.
(B) Outlays, $514,401,000,000.
Fiscal year 2009:
(A) New budget authority, $534,705,000,000.
(B) Outlays, $524,384,000,000.
Fiscal year 2010:
(A) New budget authority, $545,171,000,000.
(B) Outlays, $536,433,000,000.
Fiscal year 2011:
(A) New budget authority, $550,944,000,000.
(B) Outlays, $547,624,000,000.
Fiscal year 2012:
(A) New budget authority, $559,799,000,000.
(B) Outlays, $548,169,000,000.
(2) International Affairs (150):
Fiscal year 2007:
(A) New budget authority, $28,795,000,000.
(B) Outlays, $31,308,000,000.
Fiscal year 2008:
(A) New budget authority, $34,678,000,000.
(B) Outlays, $33,070,000,000.
Fiscal year 2009:
(A) New budget authority, $35,602,000,000.
(B) Outlays, $32,664,000,000.
Fiscal year 2010:
(A) New budget authority, $35,980,000,000.
(B) Outlays, $33,070,000,000.
Fiscal year 2011:
(A) New budget authority, $36,630,000,000.
(B) Outlays, $33,528,000,000.
Fiscal year 2012:
(A) New budget authority, $37,257,000,000.
(B) Outlays, $34,150,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $27,615,000,000.
(B) Outlays, $26,472,000,000.
Fiscal year 2009:
(A) New budget authority, $28,641,000,000.
(B) Outlays, $28,411,000,000.
Fiscal year 2010:
(A) New budget authority, $29,844,000,000.
(B) Outlays, $29,485,000,000.
Fiscal year 2011:
(A) New budget authority, $31,103,000,000.
(B) Outlays, $30,089,000,000.
Fiscal year 2012:
(A) New budget authority, $32,438,000,000.
(B) Outlays, $31,367,000,000.
(4) Energy (270):
Fiscal year 2007:
(A) New budget authority, $2,943,000,000.
(B) Outlays, $1,369,000,000.
Fiscal year 2008:
(A) New budget authority, $3,408,000,000.
(B) Outlays, $1,162,000,000.
Fiscal year 2009:
(A) New budget authority, $3,209,000,000.
(B) Outlays, $1,590,000,000.
Fiscal year 2010:
(A) New budget authority, $3,275,000,000.
(B) Outlays, $1,782,000,000.
Fiscal year 2011:
(A) New budget authority, $3,346,000,000.
(B) Outlays, $1,829,000,000.
Fiscal year 2012:
(A) New budget authority, $3,404,000,000.
(B) Outlays, $2,111,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2007:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $32,919,000,000.
Fiscal year 2008:
(A) New budget authority, $33,384,000,000.
(B) Outlays, $35,219,000,000.
Fiscal year 2009:
(A) New budget authority, $33,910,000,000.
(B) Outlays, $35,704,000,000.
Fiscal year 2010:
(A) New budget authority, $34,660,000,000.
(B) Outlays, $35,834,000,000.
Fiscal year 2011:
(A) New budget authority, $35,113,000,000.
(B) Outlays, $36,035,000,000.
Fiscal year 2012:
(A) New budget authority, $36,094,000,000.
(B) Outlays, $36,507,000,000.
(6) Agriculture (350):
Fiscal year 2007:
(A) New budget authority, $21,471,000,000.
(B) Outlays, $19,738,000,000.
Fiscal year 2008:
(A) New budget authority, $20,481,000,000.
(B) Outlays, $19,603,000,000.
Fiscal year 2009:
(A) New budget authority, $21,033,000,000.
(B) Outlays, $20,146,000,000.
Fiscal year 2010:
(A) New budget authority, $21,238,000,000.
(B) Outlays, $20,207,000,000.
Fiscal year 2011:
(A) New budget authority, $21,256,000,000.
(B) Outlays, $20,534,000,000.
Fiscal year 2012:
(A) New budget authority, $21,502,000,000.
(B) Outlays, $20,963,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2007:
(A) New budget authority, $5,515,000,000.
(B) Outlays, −$3,522,000,000.
Fiscal year 2008:
(A) New budget authority, $9,279,000,000.
(B) Outlays, $2,034,000,000.
Fiscal year 2009:
(A) New budget authority, $9,973,000,000.
(B) Outlays, $1,048,000,000.
Fiscal year 2010:
(A) New budget authority, $13,775,000,000.
(B) Outlays, $3,431,000,000.
Fiscal year 2011:
(A) New budget authority, $8,822,000,000.
(B) Outlays, $2,439,000,000.
Fiscal year 2012:
(A) New budget authority, $8,822,000,000.
(B) Outlays, $756,000,000.
(8) Transportation (400):
Fiscal year 2007:
(A) New budget authority, $81,282,000,000.
(B) Outlays, $74,739,000,000.
Fiscal year 2008:
(A) New budget authority, $82,799,000,000.
(B) Outlays, $81,093,000,000.
Fiscal year 2009:
(A) New budget authority, $76,306,000,000.
(B) Outlays, $84,025,000,000.
Fiscal year 2010:
(A) New budget authority, $77,061,000,000.
(B) Outlays, $85,959,000,000.
Fiscal year 2011:
(A) New budget authority, $78,089,000,000.
(B) Outlays, $86,672,000,000.
Fiscal year 2012:
(A) New budget authority, $78,969,000,000.
(B) Outlays, $88,352,000,000.
(9) Community and Regional Development (450):
Fiscal year 2007:
(A) New budget authority, $15,717,000,000.
(B) Outlays, $28,281,000,000.
Fiscal year 2008:
(A) New budget authority, $15,814,000,000.
(B) Outlays, $22,292,000,000.
Fiscal year 2009:
(A) New budget authority, $14,725,000,000.
(B) Outlays, $21,008,000,000.
Fiscal year 2010:
(A) New budget authority, $14,942,000,000.
(B) Outlays, $19,892,000,000.
Fiscal year 2011:
(A) New budget authority, $15,157,000,000.
(B) Outlays, $18,440,000,000.
Fiscal year 2012:
(A) New budget authority, $15,371,000,000.
(B) Outlays, $15,938,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2007:
(A) New budget authority, $92,780,000,000.
(B) Outlays, $92,224,000,000.
Fiscal year 2008:
(A) New budget authority, $93,880,000,000.
(B) Outlays, $91,022,000,000.
Fiscal year 2009:
(A) New budget authority, $97,809,000,000.
(B) Outlays, $94,513,000,000.
Fiscal year 2010:
(A) New budget authority, $99,726,000,000.
(B) Outlays, $97,075,000,000.
Fiscal year 2011:
(A) New budget authority, $100,151,000,000.
(B) Outlays, $98,745,000,000.
Fiscal year 2012:
(A) New budget authority, $100,748,000,000.
(B) Outlays, $98,728,000,000.
(11) Health (550):
Fiscal year 2007:
(A) New budget authority, $267,892,000,000.
(B) Outlays, $268,197,000,000.
Fiscal year 2008:
(A) New budget authority, $287,486,000,000.
(B) Outlays, $286,442,000,000.
Fiscal year 2009:
(A) New budget authority, $308,326,000,000.
(B) Outlays, $306,410,000,000.
Fiscal year 2010:
(A) New budget authority, $326,118,000,000.
(B) Outlays, $326,100,000,000.
Fiscal year 2011:
(A) New budget authority, $347,561,000,000.
(B) Outlays, $346,748,000,000.
Fiscal year 2012:
(A) New budget authority, $370,422,000,000.
(B) Outlays, $369,653,000,000.
(12) Medicare (570):
Fiscal year 2007:
(A) New budget authority, $365,152,000,000.
(B) Outlays, $370,180,000,000.
Fiscal year 2008:
(A) New budget authority, $389,587,000,000.
(B) Outlays, $389,703,000,000.
Fiscal year 2009:
(A) New budget authority, $416,710,000,000.
(B) Outlays, $416,367,000,000.
Fiscal year 2010:
(A) New budget authority, $442,347,000,000.
(B) Outlays, $442,569,000,000.
Fiscal year 2011:

(A) New budget authority, $489,077,000,000.
(B) Outlays, $489,087,000,000.
Fiscal year 2012:
(A) New budget authority, $486,804,000,000.
(B) Outlays, $486,417,000,000.
(13) Income Security (600):
Fiscal year 2007:
(A) New budget authority, $360,365,000,000.
(B) Outlays, $364,204,000,000.
Fiscal year 2008:
(A) New budget authority, $380,763,000,000.
(B) Outlays, $384,301,000,000.
Fiscal year 2009:
(A) New budget authority, $391,707,000,000.
(B) Outlays, $393,962,000,000.
Fiscal year 2010:
(A) New budget authority, $401,747,000,000.
(B) Outlays, $402,784,000,000.
Fiscal year 2011:
(A) New budget authority, $417,020,000,000.
(B) Outlays, $417,013,000,000.
Fiscal year 2012:
(A) New budget authority, $402,674,000,000.
(B) Outlays, $402,008,000,000.
(14) Social Security (650):
Fiscal year 2007:
(A) New budget authority, $19,089,000,000.
(B) Outlays, $19,089,000,000.
Fiscal year 2008:
(A) New budget authority, $19,644,000,000.
(B) Outlays, $19,644,000,000.
Fiscal year 2009:
(A) New budget authority, $21,518,000,000.
(B) Outlays, $21,518,000,000.
Fiscal year 2010:
(A) New budget authority, $23,701,000,000.
(B) Outlays, $23,701,000,000.
Fiscal year 2011:
(A) New budget authority, $27,009,000,000.
(B) Outlays, $27,009,000,000.
Fiscal year 2012:
(A) New budget authority, $29,898,000,000.
(B) Outlays, $29,898,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2007:
(A) New budget authority, $73,896,000,000.
(B) Outlays, $72,342,000,000.
Fiscal year 2008:
(A) New budget authority, $85,262,000,000.
(B) Outlays, $84,421,000,000.
Fiscal year 2009:
(A) New budget authority, $87,787,000,000.
(B) Outlays, $88,290,000,000.
Fiscal year 2010:
(A) New budget authority, $90,414,000,000.
(B) Outlays, $89,981,000,000.
Fiscal year 2011:
(A) New budget authority, $96,033,000,000.
(B) Outlays, $95,543,000,000.
Fiscal year 2012:
(A) New budget authority, $93,325,000,000.
(B) Outlays, $92,666,000,000.
(16) Administration of Justice (750):
Fiscal year 2007:
(A) New budget authority, $45,504,000,000.
(B) Outlays, $44,659,000,000.
Fiscal year 2008:
(A) New budget authority, $47,998,000,000.
(B) Outlays, $47,131,000,000.
Fiscal year 2009:
(A) New budget authority, $48,315,000,000.
(B) Outlays, $49,120,000,000.
Fiscal year 2010:
(A) New budget authority, $49,220,000,000.
(B) Outlays, $49,449,000,000.
Fiscal year 2011:
(A) New budget authority, $50,146,000,000.
(B) Outlays, $49,969,000,000.
Fiscal year 2012:
(A) New budget authority, $51,079,000,000.
(B) Outlays, $50,759,000,000.
(17) General Government (800):
Fiscal year 2007:
(A) New budget authority, $18,193,000,000.
(B) Outlays, $18,574,000,000.
Fiscal year 2008:
(A) New budget authority, $18,628,000,000.
(B) Outlays, $19,012,000,000.
Fiscal year 2009:
(A) New budget authority, $19,254,000,000.
(B) Outlays, $19,323,000,000.
Fiscal year 2010:
(A) New budget authority, $19,876,000,000.
(B) Outlays, $19,755,000,000.
Fiscal year 2011:
(A) New budget authority, $20,637,000,000.
(B) Outlays, $20,360,000,000.
Fiscal year 2012:
(A) New budget authority, $21,349,000,000.
(B) Outlays, $21,183,000,000.
(18) Net Interest (900):
Fiscal year 2007:
(A) New budget authority, $344,509,000,000.
(B) Outlays, $344,509,000,000.
Fiscal year 2008:
(A) New budget authority, $370,578,000,000.
(B) Outlays, $370,578,000,000.
Fiscal year 2009:
(A) New budget authority, $391,056,000,000.
(B) Outlays, $391,056,000,000.
Fiscal year 2010:
(A) New budget authority, $414,724,000,000.
(B) Outlays, $414,724,000,000.
Fiscal year 2011:
(A) New budget authority, $433,665,000,000.
(B) Outlays, $433,665,000,000.
Fiscal year 2012:
(A) New budget authority, $448,597,000,000.
(B) Outlays, $448,597,000,000.
(19) Allowances (920):
Fiscal year 2007:
(A) New budget authority, $785,000,000.
(B) Outlays, $755,000,000.
Fiscal year 2008:
(A) New budget authority, −$6,394,000,000.
(B) Outlays, −$2,164,000,000.
Fiscal year 2009:
(A) New budget authority, −$6,894,000,000.
(B) Outlays, −$6,319,000,000.
Fiscal year 2010:
(A) New budget authority, −$7,190,000,000.
(B) Outlays, −$6,984,000,000.
Fiscal year 2011:
(A) New budget authority, −$7,295,000,000.
(B) Outlays, −$7,181,000,000.
Fiscal year 2012:
(A) New budget authority, −$7,427,000,000.
(B) Outlays, −$7,311,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2007:
(A) New budget authority, −$69,714,000,000.
(B) Outlays, −$69,714,000,000.
Fiscal year 2008:
(A) New budget authority, −$70,979,000,000.
(B) Outlays, −$70,979,000,000.
Fiscal year 2009:
(A) New budget authority, −$66,560,000,000.
(B) Outlays, −$66,569,000,000.
Fiscal year 2010:
(A) New budget authority, −$66,933,000,000.
(B) Outlays, −$66,933,000,000.
Fiscal year 2011:
(A) New budget authority, −$69,575,000,000.
(B) Outlays, −$69,595,000,000.
Fiscal year 2012:
(A) New budget authority, −$71,857,000,000.
(B) Outlays, −$71,860,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2007:
(A) New budget authority, $124,153,000,000.
(B) Outlays, $31,935,000,000.
Fiscal year 2008:
(A) New budget authority, $145,162,000,000.
(B) Outlays, $115,179,000,000.
Fiscal year 2009:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $109,830,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $41,722,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $13,551,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $4,505,000,000.

TITLE II—BUDGET PROCESS

SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for either of the applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means either—

(A) the period of the current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year; or

(B) the period of the current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget

authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 505 of H. Con. Res. 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, shall no longer apply.

SEC. 202. SENATE POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT WOULD INCREASE THE DEFICIT OR REDUCE A SURPLUS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any reconciliation bill, resolution, amendment, amendment between Houses, motion, or conference report pursuant to section 310 of the Congressional Budget Act of 1974 that would cause or increase a deficit or reduce a surplus in either of the following periods:

(1) The current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year.

(2) The current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

SEC. 203. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in fiscal year 2018 through fiscal year 2057.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the 4 10-year periods beginning in 2018 through 2057.

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) REPEAL.—In the Senate, section 407 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(f) SUNSET.—This section shall expire on September 30, 2017.

SEC. 204. EMERGENCY LEGISLATION.

(a) SENATE.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and sections 201, 203, and 207 of this resolution (relating to pay-as-you-go in the Senate, long-term deficits, and discretionary spending limits).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this paragraph), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(7) REPEAL.—In the Senate, section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(b) HOUSE.—In the House, if any bill or joint resolution, or amendment offered or considered as adopted or conference report thereon, that makes appropriations for discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not be counted for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 205. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER IN THE SENATE.

Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2017, and Section 403 of H. Con. Res. 95 (109th Congress) shall no longer apply in the Senate.

SEC. 206. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) SENATE.—

(1) IN GENERAL.—

(A) POINT OF ORDER.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(B) DEFINITION.—In this subsection, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2009, that first becomes available for any fiscal year after 2009.

(2) EXCEPTIONS.—Advance appropriations may be provided—

(A) for fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $25,158,000,000 in new budget authority in each year; and

(B) for the Corporation for Public Broadcasting.

(3) SUPERMAJORITY WAIVER AND APPEAL.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(4) FORM OF POINT OF ORDER.—A point of order under paragraph (1) may be raised by a

Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) REPEAL.—In the Senate, section 401 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(b) HOUSE.—

(1) IN GENERAL.—In the House, except as provided in paragraph (2), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto may not provide for advance appropriations.

(2) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for fiscal year 2009 or 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $25,558,000,000 in new budget authority.

(3) DEFINITION.—In this subsection, the term ''advance appropriation'' means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008.

SEC. 207. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2007, $950,504,000,000 in new budget authority and $1,029,465,000,000 in outlays; and

(2) for fiscal year 2008, $953,052,000,000 in new budget authority and $1,028,397,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $213,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $406,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $406,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $383,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) COSTS OF OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates for one or more bills, joint resolutions, motions, amendments, or conference reports making appropriations for fiscal year 2008 for overseas deployments and related activities, by the amounts provided in such legislation for that purpose (and so designated pursuant to this subparagraph) up to the amounts of budget authority specified in Section 103(21) for fiscal year 2008 and the new outlays flowing therefrom.

(d) HOUSE.—

(1) PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.—

(A) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $406,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 and the amount is designated to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the allocation to the Committee on Appropriations and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) COSTS OF OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—

(i) In the House, if one or more bills or joint resolutions are reported making appropriations for fiscal year 2008 for overseas deployments and related activities, (and such amounts are so designated pursuant to this clause) then the allocation to the House Committee on Appropriations and aggregates may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 103 (21) for fiscal year 2008 and the new outlays flowing therefrom.

(ii) In the House, if one or more bills or joint resolutions are reported making appropriations

for fiscal year 2008 for overseas deployments and related activities (and such amounts are so designated pursuant to this clause) above the amounts of budget authority and new outlays specified in clause (i), then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(2) PROCEDURE FOR ADJUSTMENTS.—

(A) IN GENERAL.—After the reporting of a bill or joint resolution, or an amendment offered or considered as adopted thereto, or the submission of a conference report thereon, the Chairman of the Committee on the Budget shall make adjustments set forth in paragraph (1) for the incremental new budget authority in that measure and the outlays flowing from that budget authority, if that measure meets the requirements set forth in paragraph (1), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under paragraph (1)(E)(ii).

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(ii) the budgetary aggregates as set forth in this resolution.

(e) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the House and the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(f) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.—If legislation making supplemental appropriations for fiscal year 2007 is enacted, the Chairman of the appropriate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

SEC. 208. APPLICATION OF PREVIOUS ALLOCATIONS IN THE SENATE.

Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

SEC. 209. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to—

(1) legislation making supplemental appropriations for fiscal year 2007; and

(2) any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 210. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 211. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget.

SEC. 212. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the appropriate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 213. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

(a) SENATE.—

(1) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(A) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) a top priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(B) Extending health care coverage to the Nation's vulnerable uninsured children is an urgent priority for the Senate.

(C) SCHIP has proven itself a successful program for covering previously uninsured children.

(D) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among

our Nation's governors, and within state and local governments.

(E) SCHIP reduces the percentage of children with unmet health care needs.

(F) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(G) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(H) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(2) RESERVE FUND.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2007 through 2012 for reauthorization of the State Children's Health Insurance Program (SCHIP), if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2007 through 2012, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels for bills, joint resolutions, amendments, or conference reports, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in not more than $50,000,000,000 in outlays in fiscal years 2007 through 2012, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) enhance medical care and disability benefits for wounded or disabled military personnel or veterans, which may include low-vision and blinded veterans;

(2) expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay;

(3) eliminate the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation;

(4) improve disability evaluations of military personnel or veterans to expedite the claims process;

(5) enhance educational benefits of veterans; or

(6) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

by the amounts provided in such legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—

(1) RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such legislation for that purpose or that contain offsets so designated for that purpose, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) RESERVE FUND TO PROVIDE FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for tax relief for middle-income families and taxpayers and enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, modification of the Alternative Minimum Tax, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

(a) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that improve the Medicare program for beneficiaries and protect access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) SENATE.—

(1) PRESCRIPTION DRUGS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that repeals the prohibition in section 1860D–11(i)(1) of the Social Security Act (42 U.S.C. 1395w–111(i)(1)) while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further that any savings from the measure are to be used either to improve the Medicare Part D benefit or for deficit reduction.

(2) PHYSICIAN PAYMENTS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(3) IMPROVEMENTS TO MEDICARE PART D.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the prescription drug benefit under Medicare Part D, by the amounts provided in such legislation for that purpose up to $5,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(4) IMPROVING MEDICARE HOSPITAL PAYMENTS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(B) includes a transition to the reform described in subparagraph (A);

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(c) SENATE AND HOUSE DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS PHYSICIAN AND OTHER HEALTH CARE PROVIDER SHORTAGES.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or

more bills, joint resolutions, amendments, motions, or conference reports that encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers by the amounts provided in such legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 305. DEFICIT NEUTRAL RESERVE FUNDS FOR HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.

(a) HEALTH INFORMATION TECHNOLOGY.—

(1) The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) IMPROVING THE HEALTH CARE SYSTEM.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(1) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(2) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible and more affordable, which may include tax benefits, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make college more affordable through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such legislation for that purpose or that contain offsets so designated for that purpose, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL.

(a) SENATE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $20,000,000,000 over the period of the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, or both, by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes up to $20,000,000,000 for the total over the period of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on foreign sources of energy, expand production and use of clean alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017. The legislation may include tax legislation such as a proposal to extend energy tax incentives like the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, or provisions to encourage energy efficient buildings, products, and power plants.

(b) HOUSE.—

(1) The Chairman of the House Committee on the Budget shall revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that fulfill the purposes of section 301(a) of H.R. 6, the Clean Energy Act of 2007 by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) The Chairman of the House Committee on the Budget shall revise the allocations provided for under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations to the extent that any bills, joint resolutions, amendments, motions, or conference reports provide budget authority for purposes set forth in section 301(a) of H.R. 6 in excess of the amounts provided for those purposes in fiscal year 2007. Any adjustments made under this paragraph shall not include revenues attributable to changes in the Internal Revenue Code of 1986 and shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to H.R. 6 for the year in which the adjustments are made.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR TERRORISM RISK INSURANCE REAUTHORIZATION.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a continued Federal role in ensuring the availability of terrorism insurance after the expiration of the Terrorism Risk Insurance Extension Act, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would establish an affordable housing fund financed by the housing government sponsored enterprises, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

The Chairman of the appropriate Committee on the Budget may adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that prohibit the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury, by the amounts provided by that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR INDIAN CLAIMS SETTLEMENT.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) create an Indian claims settlement fund for trust accounting and management deficiencies related to Individual Indian Moneys and assets; and

(2) extinguish all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement of assets, or interest owed in connection with Individual Indian Moneys accounts;

by the amounts provided in such legislation for those purposes up to $8,000,000,000 (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS IN HEALTH.

(a) HEALTH INSURANCE COVERAGE.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) HEALTH COVERAGE.—If a SCHIP reauthorization bill is enacted, then the Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to improve health care, and provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, by the amounts provided in that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) LONG-TERM CARE.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(d) MENTAL HEALTH PARITY.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide up to $5,000,000,000 for the child care entitlement to States, by the amounts provided by such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM IN THE SENATE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for immigration reform by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 317. DEFICIT-REDUCTION RESERVE FUND.

(a) REDUCTION OF IMPROPER PAYMENTS.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) INCREASED USE OF RECOVERY AUDITS.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act for fiscal year 2002) and uses such savings to reduce the deficit (or, in the House, that contain

offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES IN THE SENATE.

In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION IN THE SENATE.

(a) REGULATION.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) DRUG IMPORTATION.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID.

(a) DELAY OF RULE.—The Chairman of the appropriate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, transportation, or medical services under title XIX of the Social Security Act by the amounts provided in that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.—The Chairman of the appropriate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(I) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(I)), by the amounts provided in that legislation for those purposes up to $500,000,000 (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 321. RESERVE FUND ADJUSTMENT FOR REVENUE MEASURES IN THE HOUSE.

In the House, for the duration of the 110th Congress with respect to consideration of any bill, joint resolution, amendment, motion, or conference report that would decrease total revenues for the single period comprising the budget year and the following 4 fiscal years below the Congressional Budget Office baseline for the most recent concurrent resolution on the budget, the Chairman of the House Committee on the Budget shall increase the revenue aggregates by $179,816,000,000 for the total over the period of fiscal years 2008 through 2012, if the Chairman determines that such legislation does not contain a provision consistent with the provision set forth in the joint explanatory statement of managers accompanying this concurrent resolution. The Chairman may readjust such levels upon disposition of any measure in violation of this section.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both, by the amounts provided by that legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR SELECTED TAX RELIEF POLICIES IN THE SENATE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief by extending the State and local sales tax deduction, extending enhanced charitable giving from individual retirement accounts, reauthorizing the new markets tax credit under section 45D of the Internal Revenue Code of 1986, or extending and increasing the above-the-line deduction for teacher classroom supplies and expanding it to include qualified professional development expenses, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

TITLE IV—POLICY

SEC. 401. POLICY ON MIDDLE-INCOME TAX RELIEF.

(a) IN THE HOUSE.—

(1) IN GENERAL.—It is the policy of the House to minimize fiscal burdens on middle-income families and their children and grandchildren. It is the policy of the House to provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax under current law. Furthermore, it is the policy of the House to support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

(2) OTHER MATTERS.—The House assumes the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote economic efficiency, higher rates of tax compliance to close the ''tax gap'', and reduced taxpayer burdens through tax simplification.

(b) IN THE SENATE.—

(1) IN GENERAL.—The Senate adopted by a vote of 97 to 1 an amendment to S.Con.Res. 21 as reported by the Senate Committee on the Budget which, with regard to tax relief, reduced the revenue aggregates by $179,816,000,000 to provide for—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) reform of the estate tax to protect small businesses and family farms;

(E) extension of the adoption tax credit;

(F) extension of the dependent care tax credit;

(G) extension of the treatment of combat pay for purposes of determining the Earned Income Tax Credit; and

(H) other, unspecified tax relief.

(2) POLICY.—It is the policy of the Senate that this resolution supports both the enactment of the policies listed in paragraph (1) and the Senate pay-as-you-go rule in section 201, and that any additional revenues needed to meet the Senate's tax policy goals can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs should receive higher priority than the President's budget provides;

(2) TRICARE fees for military retirees under the age of 65 should remain at current levels;

(3) military pay and benefits should be enhanced to improve retention of experienced personnel;

(4) the recommendations of the bipartisan ''Walter Reed Commission'' (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military healthcare facilities and services should be funded;

(5) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(6) sufficient resources should be provided for the Department of Defense to do a more careful job of addressing as many as possible of the 1,378 unimplemented recommendations made by the Government Accountability Office over the last 6 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account; and

(7) savings from the actions recommended in paragraphs (5) and (6) of this section should be used to fund the priorities identified in paragraphs (1) through (4) in this section.

SEC. 403. POLICY ON COLLEGE AFFORDABILITY.

It is the policy of this resolution that nothing in this resolution should be construed to reduce any assistance that makes college more affordable for students, including but not limited to assistance to student aid programs run by nonprofit state agencies.

TITLE V—SENSE OF THE HOUSE AND SENSE OF CONGRESS

SEC. 501. SENSE OF CONGRESS ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of Congress that—

(1) Congress supports excellent health care for current and former members of the United States Armed Services, who have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $43,125,000,000 in discretionary budget authority for 2008 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $6,668,000,000 more than the 2007 level, $5,474,000,000 more than the Congressional Budget Office's baseline level for 2008, and $3,576,000,000 more than the President's budget for 2008;

(3) this resolution provides funding to implement, in part, recommendations of the bi-partisan ''Walter Reed Commission'' (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military and veterans health care facilities and services;

(4) this resolution assumes the rejection of the enrollment fees and co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain and spinal cord injuries; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 502. SENSE OF CONGRESS ON THE INNOVATION AGENDA: A COMMITMENT TO COMPETITIVENESS TO KEEP AMERICA #1.

(a) It is the sense of Congress to provide sufficient funding that our Nation may continue to be the world leader in education, innovation and economic growth. This resolution provides substantial increased funding above the President's requested level for 2008, and additional amounts in subsequent years in Function 250 (General Science, Space and Technology) and Function 270 (Energy). Additional increases for scientific research and education are included in Function 500 (Education, Employment, Training, and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 400 (Transportation), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President requested.

(b) America's greatest resource for innovation resides within classrooms across the country. The increased funding provided in this resolution will support important initiatives to educate 100,000 new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K–12 classrooms.

(c) Independent scientific research provides the foundation for innovation and future technologies. This resolution will put us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships; and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 503. SENSE OF CONGRESS ON HOMELAND SECURITY.

It is the sense of Congress that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2008 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2008, and additional amounts in subsequent years, in the four budget functions: Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice) that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 504. SENSE OF CONGRESS REGARDING THE ONGOING NEED TO RESPOND TO HURRICANES KATRINA AND RITA.

The sense of Congress is as follows:

(1) Critical needs in the Gulf Coast region should be addressed without further delay. The budget resolution creates a reserve fund that would allow for affordable housing that may be used to focus on areas devastated by Hurricanes Katrina and Rita, as well as new funding for additional recovery priorities.

(2) Additional oversight and investigation is needed to ensure that recovery efforts are on track, develop legislation to reform the contracting process, and better prepare for future disasters. Those efforts should be made in close consultation with residents of affected areas. For example, the budget resolution provides additional 2007 funding for the Federal Emergency Management Agency, some of which may be used for this purpose.

SEC. 505. SENSE OF CONGRESS REGARDING LONG-TERM SUSTAINABILITY OF ENTITLEMENTS.

(a) FINDINGS.—Congress finds the following:

(1) The aging of the United States population is going to put unprecedented pressure on the Nation's retirement and health care systems.

(2) The long-term strength of Social Security would be improved through a fiscally responsible policy of reducing the deficit and paying down the debt that has accumulated since 2001, thus reducing debt service payments and freeing up billions of dollars that can be dedicated to meeting social security's obligations.

(3) A policy of reducing and eventually eliminating the deficit and paying down the debt is a key factor in improving the long-term strength of the economy as a whole, because a lower debt burden frees up resources for productive investments that will result in higher economic growth, provide a higher standard of living for future generations, and enhance the Nation's ability to meet its commitments to its senior citizens.

(4) The most significant factor affecting the Nation's entitlement programs is the rapid increase in health care costs. The projected increasing costs of Medicare and Medicaid are not unique to these programs but rather are part of a pattern of rising costs for the health sector as a whole.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the growing cost of entitlements should be addressed in a way that is fiscally responsible and promotes economic growth, that addresses the causes of cost growth in the broader health care system, and that protects beneficiaries without leaving a legacy of debt to future generations.

SEC. 506. SENSE OF CONGRESS REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

(a) FINDINGS.—Congress finds the following:

(1) More than 35 million individuals (12.4 million of them children) are food insecure, uncertain of having, or unable to acquire enough food. 10.8 million Americans are hungry because of lack of food.

(2) Despite the critical contributions of the Department of Agriculture nutrition programs and particularly the food stamp program that significantly reduced payment error rates while increasing enrollment to partially mitigate the impact of recent increases in the poverty rate, significant need remains.

(3) Nearly 25 million people, including nine million children and three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Agriculture programs that help fight hunger should be

maintained and that Congress should seize opportunities to enhance those programs to reach people in need and to fight hunger.

SEC. 507. SENSE OF CONGRESS REGARDING AFFORDABLE HEALTH COVERAGE.

(a) FINDINGS.—Congress finds the following:

(1) More than 46 million Americans, including nine million children, lack health insurance. People without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems.

(2) Most Americans receive health coverage through their employers. A major issue facing all employers is the rising cost of health insurance. Small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, due to higher administrative costs and fewer people over whom to spread the risk of catastrophic costs. Because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the nation's uninsured individuals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special needs of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and promoting improvements in disease management and disease prevention.

SEC. 508. SENSE OF CONGRESS REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of Congress that in order to reduce the deficit Congress should extend PAYGO consistent with provisions of the Budget Enforcement Act of 1990.

SEC. 509. SENSE OF CONGRESS ON LONG-TERM BUDGETING.

It is the sense of Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 510. SENSE OF CONGRESS REGARDING PAY PARITY.

It is the sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 511. SENSE OF CONGRESS REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of Congress that all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending. To this end, section 207 of this resolution includes cap adjustments to provide appropriations for 3 programs that accounted for a significant share of improper payments reported by Federal agencies in 2006: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance. Section 207 also includes a cap adjustment for the Internal Revenue Service for tax compliance efforts to close the tax gap. In addition, the resolution's deficit-neutral reserve funds require authorizing committees to cut lower-priority and wasteful spending to accommodate higher-priority programs. Finally, section 207 of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committees on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act of 1974.

SEC. 512. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 513. SENSE OF THE HOUSE ON STATE VETERANS CEMETERIES.

It is the sense of the House that the Federal Government should pay the plot allowance for the interment in a State veterans cemetery of any spouse or eligible child of a veteran, consistent with the pay-as-you-go principle.

SEC. 514. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as ''SCAAP'') carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that SCAAP funding for fiscal year 2008 should be consistent with the goal of achieving the program's fully authorized level.

TITLE VI—RECONCILIATION

SEC. 601. RECONCILIATION IN THE HOUSE.

Not later than September 10, 2007, the House Committee on Education and Labor shall report to the House of Representatives changes in laws to reduce the deficit by $750,000,000 for the period of fiscal years 2007 through 2012.

SEC. 602. DEFICIT REDUCTION RECONCILIATION INSTRUCTION IN THE SENATE.

Not later than September 10, 2007, the Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction to reduce the deficit by $750,000,000 for the period of fiscal years 2007 through 2012.

And the House agree to the same.

JOHN M. SPRATT, Jr.,
ROSA DELAURO,
CHET EDWARDS,
Managers on the Part of the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 21) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate concurrent resolution after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate concurrent resolution and the House amendment. The differences between the Senate concurrent resolution, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

The treatment of budget function levels in the Senate-passed and House-passed budget resolutions and the conference report is as follows:

Senate Concurrent Resolution

The Senate concurrent resolution includes all of the items required under Section 301(a) of the Congressional Budget Act.

House Amendment

The House amendment includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate). It also includes a new separate function category, Function 970 (Overseas Deployments and Other Activities).

Conference Agreement

The conference agreement includes all of the items required by Section 301(a) of the Budget Act.

FISCAL YEAR 2008 BUDGET RESOLUTION CONFERENCE REPORT

Total Spending, Revenues, Deficit/Surplus, and Debt

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
Budget Authority	**2,833.887**	**2,965.385**	**3,005.682**	**3,078.574**	**3,214.230**	**3,274.376**	**15,538.247**
Off	453.352	469.357	488.550	508.878	529.341	555.108	2,551.234
On	2,380.535	2,496.028	2,517.132	2,569.696	2,684.889	2,719.268	12,987.013
Outlays	**2,751.675**	**2,936.519**	**3,052.129**	**3,105.812**	**3,217.925**	**3,254.777**	**15,567.162**
Off	451.103	466.883	485.648	505.776	525.821	551.221	2,535.349
On	2,300.572	2,469.636	2,566.481	2,600.036	2,692.104	2,703.556	13,031.813
Revenues	**2,537.926**	**2,684.856**	**2,816.679**	**2,907.073**	**3,122.859**	**3,296.229**	**14,827.696**
Off	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
On	1,900.340	2,015.858	2,113.828	2,169.484	2,350.254	2,488.301	11,137.725
Deficit (-)/Surplus	**-213.749**	**-251.663**	**-235.450**	**-198.739**	**-95.066**	**41.452**	**-739.466**
Off	186.483	202.115	217.203	231.813	246.784	256.707	1,154.622
On	-400.232	-453.778	-452.653	-430.552	-341.850	-215.255	-1,894.088
Debt Held by the Public	5,047.318	5,312.560	5,561.383	5,774.487	5,881.776	5,850.852	--
Debt Subject to Limit	8,932.264	9,504.150	10,073.725	10,622.023	11,077.407	11,419.028	--
By Function							
050 National Defense							
Budget Authority	525.797	506.955	534.705	545.171	550.944	559.799	2,697.574
Outlays	534.270	514.401	524.384	536.433	547.624	548.169	2,671.011
150 International Affairs							
Budget Authority	28.795	34.678	35.602	35.980	36.630	37.257	180.147
Outlays	31.308	33.070	32.664	33.070	33.528	34.150	166.482
250 General Science, Space and Technology							
Budget Authority	25.079	27.615	28.641	29.844	31.103	32.438	149.641
Outlays	24.516	26.472	28.411	29.485	30.089	31.367	145.824
270 Energy							
Budget Authority	2.943	3.408	3.209	3.275	3.346	3.404	16.642
Outlays	1.369	1.162	1.590	1.782	1.829	2.111	8.474
300 Natural Resources and Environment							
Budget Authority	31.332	33.384	33.910	34.660	35.113	36.094	173.161
Outlays	32.919	35.219	35.704	35.834	36.035	36.507	179.299
350 Agriculture							
Budget Authority	21.471	20.481	21.033	21.238	21.256	21.502	105.510
Outlays	19.738	19.603	20.146	20.207	20.534	20.963	101.453
370 Commerce and Housing Credit							
Budget Authority	10.215	11.079	12.073	14.775	8.622	8.522	55.071
Outlays	1.178	3.834	3.148	4.431	2.239	0.456	14.108
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	5.515	9.279	9.973	13.775	8.822	8.822	50.671
Outlays	-3.522	2.034	1.048	3.431	2.439	0.756	9.708
400 Transportation							
Budget Authority	81.282	82.799	76.306	77.061	78.089	78.969	393.224
Outlays	74.739	81.093	84.025	85.959	86.672	88.352	426.101
450 Community and Regional Development							
Budget Authority	15.717	15.814	14.725	14.942	15.157	15.371	76.010
Outlays	28.281	22.292	21.008	19.892	18.440	15.938	97.569

500 Education, Training, Employment, and Social Services							
Budget Authority	92.780	93.880	97.809	99.726	100.151	100.748	492.314
Outlays	92.224	91.022	94.513	97.075	98.745	98.728	480.083
550 Health							
Budget Authority	267.892	287.486	308.326	326.118	347.561	370.422	1,639.912
Outlays	268.197	286.442	306.410	326.100	346.748	369.653	1,635.354
570 Medicare							
Budget Authority	365.152	389.587	416.710	442.347	489.077	486.804	2,224.525
Outlays	370.180	389.703	416.367	442.569	489.087	486.417	2,224.143
600 Income Security							
Budget Authority	360.365	380.763	391.707	401.747	417.020	402.674	1,993.911
Outlays	364.204	384.301	393.962	402.784	417.013	402.008	2,000.067
650 Social Security							
Budget Authority	587.817	615.047	645.955	681.432	719.417	762.029	3,423.880
Outlays	585.568	612.573	643.053	678.330	715.897	758.142	3,407.995
Off Budget Authority	568.728	595.403	624.437	657.731	692.408	732.131	3,302.110
Outlays	566.479	592.929	621.535	654.629	688.888	728.244	3,286.225
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	73.896	85.262	87.787	90.414	96.033	93.325	452.821
Outlays	72.342	84.421	88.290	89.981	95.543	92.666	450.900
750 Administration of Justice							
Budget Authority	45.504	47.998	48.315	49.220	50.146	51.079	246.757
Outlays	44.659	47.131	49.120	49.449	49.969	50.759	246.428
800 General Government							
Budget Authority	18.193	18.628	19.254	19.876	20.637	21.349	99.744
Outlays	18.574	19.012	19.323	19.755	20.360	21.183	99.634
900 Net Interest							
Budget Authority	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Outlays	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
Outlays	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
920 Allowances							
Budget Authority	0.785	-6.394	-6.894	-7.190	-7.295	-7.427	-35.200
Outlays	0.755	-2.164	-6.319	-6.984	-7.181	-7.311	-29.958
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
Outlays	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
Outlays	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
970 Overseas Deployments and Other Activities							
Budget Authority	124.153	145.162	50.000	0.000	0.000	0.000	195.162
Outlays	31.935	115.179	109.830	41.722	13.551	4.505	284.787

FISCAL YEAR 2008 BUDGET RESOLUTION CONFERENCE REPORT
Discretionary Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL DISCRETIONARY							
Budget Authority	**1,075.293**	**1,099.862**	**1,047.357**	**1,018.929**	**1,030.052**	**1,049.374**	**5,245.574**
Outlays	**1,061.391**	**1,144.840**	**1,160.782**	**1,112.630**	**1,100.382**	**1,096.852**	**5,615.486**
DEFENSE							
Budget Authority	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
Outlays	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
NON-DEFENSE							
Budget Authority	552.874	596.018	515.754	476.909	482.008	492.461	2,563.150
Outlays	530.272	633.696	639.588	579.390	555.671	551.576	2,959.921
By Function							
050 National Defense							
Budget Authority	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
Outlays	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
150 International Affairs							
Budget Authority	32.750	35.260	35.784	36.323	36.872	37.415	181.654
Outlays	36.676	35.059	35.095	35.718	36.137	36.729	178.738
250 General Science, Space and Technology							
Budget Authority	24.963	27.495	28.521	29.724	30.983	32.318	149.041
Outlays	24.402	26.340	28.281	29.358	29.962	31.251	145.192
270 Energy							
Budget Authority	4.191	4.815	4.638	4.713	4.792	4.869	23.827
Outlays	3.881	4.365	4.696	4.757	4.841	4.918	23.577
300 Natural Resources and Environment							
Budget Authority	30.361	31.940	32.564	33.213	33.884	34.714	166.315
Outlays	31.961	34.441	34.703	34.669	35.027	35.237	174.077
350 Agriculture							
Budget Authority	5.767	5.925	6.072	6.226	6.389	6.551	31.163
Outlays	5.810	5.903	6.028	6.149	6.308	6.471	30.859
370 Commerce and Housing Credit							
Budget Authority	2.690	4.520	5.319	9.102	4.045	4.020	27.006
Outlays	2.928	4.481	4.942	7.102	6.198	4.132	26.855
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	2.690	4.520	5.319	9.102	4.045	4.020	27.006
Outlays	2.928	4.481	4.942	7.102	6.198	4.132	26.855
400 Transportation							
Budget Authority	26.117	25.540	27.476	28.095	28.948	29.777	139.836
Outlays	73.028	78.784	81.781	83.722	84.392	86.044	414.723
450 Community and Regional Development							
Budget Authority	12.954	14.500	14.709	14.930	15.150	15.370	74.660
Outlays	25.724	21.233	21.254	20.126	18.655	16.135	97.402

500 Education, Training, Employment, and Social Services							
Budget Authority	80.299	83.910	87.059	88.299	89.517	90.727	439.512
Outlays	80.354	82.420	85.192	87.103	88.626	89.902	433.243
550 Health							
Budget Authority	52.098	54.965	58.009	56.740	57.626	58.503	285.842
Outlays	52.733	54.276	55.921	56.461	56.786	57.642	281.087
570 Medicare							
Budget Authority	4.788	5.010	5.199	5.423	5.667	5.948	27.247
Outlays	4.865	5.050	5.168	5.388	5.630	5.905	27.141
600 Income Security							
Budget Authority	49.491	52.890	53.022	54.036	55.014	56.066	271.028
Outlays	55.654	58.084	57.680	57.267	57.201	57.517	287.748
650 Social Security							
Budget Authority	4.692	4.850	4.996	5.147	5.306	5.467	25.766
Outlays	4.727	4.859	4.970	5.121	5.278	5.439	25.667
Off Budget Authority	4.692	4.850	4.996	5.147	5.306	5.467	25.766
Outlays	4.727	4.859	4.970	5.121	5.278	5.439	25.667
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
700 Veterans Benefits and Services							
Budget Authority	36.457	43.125	44.300	45.597	46.957	48.339	228.318
Outlays	35.027	42.358	44.918	45.283	46.464	47.818	226.840
750 Administration of Justice							
Budget Authority	44.251	45.720	47.647	48.660	49.708	50.771	242.505
Outlays	43.355	46.018	47.997	48.622	49.606	50.527	242.770
800 General Government							
Budget Authority	16.067	16.785	17.333	17.871	18.445	19.033	89.467
Outlays	16.457	17.010	17.451	17.806	18.190	18.715	89.173
900 Net Interest							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920 Allowances							
Budget Authority	0.785	-6.394	-6.894	-7.190	-7.295	-7.427	-35.200
Outlays	0.755	-2.164	-6.319	-6.984	-7.181	-7.311	-29.958
950 Offsetting Receipts							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
970 Overseas Deployments and Other Activities							
Budget Authority	124.153	145.162	50.000	0.000	0.000	0.000	195.162
Outlays	31.935	115.179	109.830	41.722	13.551	4.505	284.787

FISCAL YEAR 2008 BUDGET RESOLUTION CONFERENCE REPORT
Mandatory Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL MANDATORY							
Budget Authority	**1,758.594**	**1,865.523**	**1,958.325**	**2,059.645**	**2,184.178**	**2,225.002**	**10,292.673**
Outlays	**1,690.284**	**1,791.679**	**1,891.347**	**1,993.182**	**2,117.543**	**2,157.925**	**9,951.676**
OFF-BUDGET							
Budget Authority	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
Outlays	446.376	462.024	480.678	500.655	520.543	545.782	2,509.682
ON-BUDGET							
Budget Authority	1,309.934	1,401.016	1,474.771	1,555.914	1,660.143	1,675.361	7,767.205
Outlays	1,243.908	1,329.655	1,410.669	1,492.527	1,597.000	1,612.143	7,441.994
By Function							
050 National Defense							
Budget Authority	3.378	3.111	3.102	3.151	2.900	2.886	15.150
Outlays	3.151	3.257	3.190	3.193	2.913	2.893	15.446
150 International Affairs							
Budget Authority	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
Outlays	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
250 General Science, Space and Technology							
Budget Authority	0.116	0.120	0.120	0.120	0.120	0.120	0.600
Outlays	0.114	0.132	0.130	0.127	0.127	0.116	0.632
270 Energy							
Budget Authority	-1.248	-1.407	-1.429	-1.438	-1.446	-1.465	-7.185
Outlays	-2.512	-3.203	-3.106	-2.975	-3.012	-2.807	-15.103
300 Natural Resources and Environment							
Budget Authority	0.971	1.444	1.346	1.447	1.229	1.380	6.846
Outlays	0.958	0.778	1.001	1.165	1.008	1.270	5.222
350 Agriculture							
Budget Authority	15.704	14.556	14.961	15.012	14.867	14.951	74.347
Outlays	13.928	13.700	14.118	14.058	14.226	14.492	70.594
370 Commerce and Housing Credit							
Budget Authority	7.525	6.559	6.754	5.673	4.577	4.502	28.065
Outlays	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	2.825	4.759	4.654	4.673	4.777	4.802	23.665
Outlays	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
400 Transportation							
Budget Authority	55.165	57.259	48.830	48.966	49.141	49.192	253.388
Outlays	1.711	2.309	2.244	2.237	2.280	2.308	11.378
450 Community and Regional Development							
Budget Authority	2.763	1.314	0.016	0.012	0.007	0.001	1.350
Outlays	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167

500 Education, Training, Employment, and Social Services							
Budget Authority	12.481	9.970	10.750	11.427	10.634	10.021	52.802
Outlays	11.870	8.602	9.321	9.972	10.119	8.826	46.840
550 Health							
Budget Authority	215.794	232.521	250.317	269.378	289.935	311.919	1,354.070
Outlays	215.464	232.166	250.489	269.639	289.962	312.011	1,354.267
570 Medicare							
Budget Authority	360.364	384.577	411.511	436.924	483.410	480.856	2,197.278
Outlays	365.315	384.653	411.199	437.181	483.457	480.512	2,197.002
600 Income Security							
Budget Authority	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
Outlays	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
650 Social Security							
Budget Authority	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
Outlays	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
Off Budget Authority	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
Outlays	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	37.439	42.137	43.487	44.817	49.076	44.986	224.503
Outlays	37.315	42.063	43.372	44.698	49.079	44.848	224.060
750 Administration of Justice							
Budget Authority	1.253	2.278	0.668	0.560	0.438	0.308	4.252
Outlays	1.304	1.113	1.123	0.827	0.363	0.232	3.658
800 General Government							
Budget Authority	2.126	1.843	1.921	2.005	2.192	2.316	10.277
Outlays	2.117	2.002	1.872	1.949	2.170	2.468	10.461
900 Net Interest							
Budget Authority	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Outlays	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
Outlays	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
920 Allowances							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
Outlays	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
Outlays	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
970 Overseas Deployments and Other Activities							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Total Spending, Revenues, Deficit/Surplus, and Debt

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
Budget Authority	**2,817.918**	**2,959.822**	**2,995.153**	**3,064.798**	**3,198.911**	**3,251.711**	**15,470.395**
Off	453.352	469.637	488.838	509.175	529.647	555.424	2,552.722
On	2,364.566	2,490.185	2,506.314	2,555.623	2,669.264	2,696.288	12,917.674
Outlays	**2,749.949**	**2,927.381**	**3,041.497**	**3,093.245**	**3,201.259**	**3,233.911**	**15,497.292**
Off	451.103	467.129	485.922	506.072	526.126	551.535	2,536.784
On	2,298.846	2,460.251	2,555.575	2,587.174	2,675.133	2,682.375	12,960.508
Revenues	**2,538.292**	**2,677.973**	**2,825.395**	**2,958.818**	**3,130.381**	**3,234.619**	**14,827.186**
Off	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
On	1,900.706	2,008.975	2,122.544	2,221.229	2,357.776	2,426.691	11,137.215
Deficit (-)/Surplus	**-211.657**	**-249.408**	**-216.102**	**-134.427**	**-70.878**	**0.708**	**-670.106**
Off	186.483	201.869	216.929	231.517	246.479	256.393	1,153.187
On	-398.140	-451.276	-433.031	-365.945	-317.357	-255.684	-1,823.293
Debt Held by the Public	5,045.226	5,308.213	5,537.687	5,686.479	5,769.579	5,779.399	--
Public Debt	8,960.830	9,529.811	10,079.488	10,562.973	10,993.669	11,375.583	--
By Function							
050 National Defense							
Budget Authority	619.363	648.820	584.775	545.251	551.054	559.899	2,889.799
Outlays	560.462	617.842	626.962	572.856	558.381	551.763	2,927.804
150 International Affairs							
Budget Authority	34.790	39.214	34.555	34.859	35.432	35.984	180.043
Outlays	32.015	36.944	35.102	33.497	33.377	33.335	172.255
250 General Science, Space and Technology							
Budget Authority	25.079	27.583	26.925	27.289	27.654	28.020	137.471
Outlays	24.516	26.353	27.529	27.651	27.267	27.593	136.394
270 Energy							
Budget Authority	2.958	3.662	3.142	3.198	3.258	3.306	16.566
Outlays	1.384	1.256	1.659	1.778	1.766	2.032	8.492
300 Natural Resources and Environment							
Budget Authority	31.332	32.933	33.331	33.999	34.365	35.098	169.725
Outlays	32.905	34.927	35.250	35.264	35.337	35.624	176.403
350 Agriculture							
Budget Authority	26.207	20.481	20.984	21.137	21.099	21.288	104.989
Outlays	22.580	21.497	20.108	20.118	20.390	20.763	102.877
370 Commerce and Housing Credit							
Budget Authority	10.215	10.715	10.702	9.566	8.391	8.472	47.846
Outlays	1.178	3.682	2.259	1.178	-0.227	0.207	7.099
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	5.515	8.915	8.602	8.566	8.591	8.772	43.446
Outlays	-3.522	1.882	0.159	0.178	-0.027	0.507	2.699
400 Transportation							
Budget Authority	81.282	83.872	75.700	76.253	76.887	77.476	390.188
Outlays	74.739	81.383	84.032	85.893	86.307	87.721	425.336
450 Community and Regional Development							
Budget Authority	19.117	15.415	13.561	13.742	13.921	14.098	70.738
Outlays	28.281	22.462	21.264	20.059	18.076	15.084	96.945
500 Education, Training, Employment, and Social Services							
Budget Authority	92.780	93.889	97.592	99.366	99.650	100.104	490.601
Outlays	92.224	90.399	93.948	96.896	98.473	98.307	478.023

550 Health							
Budget Authority	268.340	291.266	310.068	333.219	356.057	379.814	1,670.425
Outlays	268.645	290.234	308.329	333.355	355.356	379.151	1,666.426
570 Medicare							
Budget Authority	365.152	389.969	414.779	439.862	484.792	481.008	2,210.409
Outlays	370.180	390.035	414.440	440.092	484.811	480.632	2,210.011
600 Income Security							
Budget Authority	360.365	379.759	390.801	400.706	415.851	401.275	1,988.392
Outlays	364.204	383.609	393.118	401.774	415.874	400.684	1,995.058
650 Social Security							
Budget Authority	587.817	615.327	646.243	681.729	719.723	762.345	3,425.368
Outlays	585.568	612.819	643.327	678.626	716.202	758.456	3,409.430
Off Budget Authority	568.728	595.683	624.725	658.028	692.714	732.447	3,303.598
Outlays	566.479	593.175	621.809	654.925	689.193	728.558	3,287.660
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	73.896	85.262	87.372	89.559	94.707	91.513	448.413
Outlays	72.342	84.424	87.943	89.210	94.314	90.957	446.848
750 Administration of Justice							
Budget Authority	45.559	48.796	47.333	48.106	48.895	49.686	242.816
Outlays	44.709	47.090	48.622	48.669	48.976	49.583	242.941
800 General Government							
Budget Authority	18.196	18.758	19.214	19.657	20.222	20.725	98.576
Outlays	18.577	19.118	19.313	19.573	19.987	20.606	98.597
900 Net Interest							
Budget Authority	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Outlays	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
Outlays	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
920 Allowances							
Budget Authority	0.785	-16.724	-7.296	-7.390	-7.481	-7.574	-46.464
Outlays	0.755	-7.520	-7.069	-7.935	-7.824	-7.761	-38.109
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-84.700	-80.722	-82.011	-85.642	-88.980	-422.055
Outlays	-81.990	-84.700	-80.731	-82.011	-85.662	-88.983	-422.087
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-71.754	-67.035	-67.458	-70.175	-72.557	-348.979
Outlays	-69.714	-71.754	-67.044	-67.458	-70.195	-72.560	-349.011

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Discretionary Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL DISCRETIONARY							
Budget Authority	**1,054.159**	**1,093.622**	**1,038.216**	**1,003.730**	**1,017.149**	**1,033.612**	**5,186.329**
Outlays	**1,056.394**	**1,133.005**	**1,151.313**	**1,098.315**	**1,085.708**	**1,082.463**	**5,550.803**
DEFENSE							
Budget Authority	615.985	645.659	581.603	542.020	548.044	556.913	2,874.239
Outlays	557.311	614.535	623.702	569.583	555.358	548.770	2,911.948
NONDEFENSE							
Budget Authority	438.174	447.963	456.613	461.710	469.105	476.699	2,312.090
Outlays	499.083	518.470	527.611	528.732	530.350	533.693	2,638.855
By Function							
050 National Defense							
Budget Authority	615.985	645.659	581.603	542.020	548.044	556.913	2,874.239
Outlays	557.311	614.535	623.702	569.583	555.358	548.770	2,911.948
150 International Affairs							
Budget Authority	38.745	39.796	34.737	35.202	35.674	36.142	181.550
Outlays	37.383	38.933	37.533	36.145	35.986	35.914	184.511
250 General Science, Space and Technology							
Budget Authority	24.963	27.463	26.805	27.169	27.534	27.900	136.871
Outlays	24.402	26.221	27.399	27.524	27.140	27.477	135.762
270 Energy							
Budget Authority	4.191	5.039	4.541	4.606	4.674	4.741	23.601
Outlays	3.881	4.429	4.735	4.723	4.748	4.809	23.445
300 Natural Resources and Environment							
Budget Authority	30.361	31.489	31.985	32.552	33.136	33.718	162.879
Outlays	31.947	34.149	34.249	34.099	34.329	34.354	171.181
350 Agriculture							
Budget Authority	5.767	5.925	6.023	6.125	6.232	6.337	30.642
Outlays	5.810	5.903	5.990	6.060	6.164	6.271	30.389
370 Commerce and Housing Credit							
Budget Authority	2.690	4.156	3.948	3.893	3.814	3.970	19.781
Outlays	2.928	4.329	4.053	3.849	3.732	3.883	19.846
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	2.690	4.156	3.948	3.893	3.814	3.970	19.781
Outlays	2.928	4.329	4.053	3.849	3.732	3.883	19.846
400 Transportation							
Budget Authority	26.117	26.738	27.095	27.612	28.171	28.709	138.325
Outlays	73.028	79.074	81.788	83.656	84.027	85.413	413.958
450 Community and Regional Development							
Budget Authority	16.354	14.101	13.545	13.730	13.914	14.097	69.388
Outlays	25.724	21.403	21.510	20.293	18.291	15.281	96.778
500 Education, Training, Employment, and Social Services							
Budget Authority	80.299	83.769	86.692	87.789	88.866	89.933	437.049
Outlays	80.354	81.647	84.477	86.774	88.204	89.331	430.433

550 Health							
Budget Authority	52.098	57.245	57.751	56.341	57.122	57.895	286.355
Outlays	52.733	56.568	55.840	56.216	56.394	57.140	282.159
570 Medicare							
Budget Authority	4.788	5.392	5.543	5.703	5.874	6.068	28.579
Outlays	4.865	5.382	5.516	5.676	5.846	6.036	28.457
600 Income Security							
Budget Authority	49.491	51.886	52.116	52.995	53.845	54.667	265.509
Outlays	55.654	57.392	56.836	56.257	56.062	56.193	282.739
650 Social Security							
Budget Authority	4.692	5.130	5.284	5.444	5.612	5.783	27.254
Outlays	4.727	5.105	5.244	5.417	5.583	5.753	27.102
Off Budget Authority	4.692	5.130	5.284	5.444	5.612	5.783	27.254
Outlays	4.727	5.105	5.244	5.417	5.583	5.753	27.102
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
700 Veterans Benefits and Services							
Budget Authority	36.457	43.125	43.885	44.742	45.631	46.527	223.910
Outlays	35.027	42.361	44.571	44.512	45.235	46.109	222.788
750 Administration of Justice							
Budget Authority	44.306	46.518	46.665	47.546	48.457	49.378	238.564
Outlays	43.405	45.977	47.499	47.842	48.613	49.351	239.283
800 General Government							
Budget Authority	16.070	16.915	17.293	17.652	18.030	18.409	88.299
Outlays	16.460	17.116	17.441	17.624	17.817	18.138	88.136
900 Net Interest							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920 Allowances							
Budget Authority	0.785	-16.724	-7.296	-7.390	-7.481	-7.574	-46.464
Outlays	0.755	-7.521	-7.069	-7.936	-7.823	-7.761	-38.109
950 Undistributed Offsetting Receipts							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Mandatory Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL MANDATORY							
Budget Authority	**1,763.759**	**1,866.200**	**1,956.937**	**2,061.068**	**2,181.762**	**2,218.099**	**10,284.066**
Outlays	**1,693.555**	**1,794.376**	**1,890.184**	**1,994.930**	**2,115.552**	**2,151.447**	**9,946.488**
OFF-BUDGET							
Budget Authority	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
Outlays	446.376	462.024	480.678	500.655	520.543	545.782	2,509.682
ON-BUDGET							
Budget Authority	1,315.099	1,401.693	1,473.383	1,557.337	1,657.727	1,668.458	7,758.598
Outlays	1,247.179	1,332.352	1,409.506	1,494.275	1,595.009	1,605.665	7,436.806
By Function							
050 National Defense							
Budget Authority	3.378	3.161	3.172	3.231	3.010	2.986	15.560
Outlays	3.151	3.307	3.260	3.273	3.023	2.993	15.856
150 International Affairs							
Budget Authority	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
Outlays	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
250 General Science, Space and Technology							
Budget Authority	0.116	0.120	0.120	0.120	0.120	0.120	0.600
Outlays	0.114	0.132	0.130	0.127	0.127	0.116	0.632
270 Energy							
Budget Authority	-1.233	-1.377	-1.399	-1.408	-1.416	-1.435	-7.035
Outlays	-2.497	-3.173	-3.076	-2.945	-2.982	-2.777	-14.953
300 Natural Resources and Environment							
Budget Authority	0.971	1.444	1.346	1.447	1.229	1.380	6.846
Outlays	0.958	0.778	1.001	1.165	1.008	1.270	5.222
350 Agriculture							
Budget Authority	20.440	14.556	14.961	15.012	14.867	14.951	74.347
Outlays	16.770	15.594	14.118	14.058	14.226	14.492	72.488
370 Commerce and Housing Credit							
Budget Authority	7.525	6.559	6.754	5.673	4.577	4.502	28.065
Outlays	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	2.825	4.759	4.654	4.673	4.777	4.802	23.665
Outlays	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
400 Transportation							
Budget Authority	55.165	57.134	48.605	48.641	48.716	48.767	251.863
Outlays	1.711	2.309	2.244	2.237	2.280	2.308	11.378
450 Community and Regional Development							
Budget Authority	2.763	1.314	0.016	0.012	0.007	0.001	1.350
Outlays	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167
500 Education, Training, Employment, and Social Services							
Budget Authority	12.481	10.120	10.900	11.577	10.784	10.171	53.552
Outlays	11.870	8.752	9.471	10.122	10.269	8.976	47.590

550 Health							
Budget Authority	216.242	234.021	252.317	276.878	298.935	321.919	1,384.070
Outlays	215.912	233.666	252.489	277.139	298.962	322.011	1,384.267
570 Medicare							
Budget Authority	360.364	384.577	409.236	434.159	478.918	474.940	2,181.830
Outlays	365.315	384.653	408.924	434.416	478.965	474.596	2,181.554
600 Income Security							
Budget Authority	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
Outlays	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
650 Social Security							
Budget Authority	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
Outlays	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
Off Budget Authority	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
Outlays	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	37.439	42.137	43.487	44.817	49.076	44.986	224.503
Outlays	37.315	42.063	43.372	44.698	49.079	44.848	224.060
750 Administration of Justice							
Budget Authority	1.253	2.278	0.668	0.560	0.438	0.308	4.252
Outlays	1.304	1.113	1.123	0.827	0.363	0.232	3.658
800 General Government							
Budget Authority	2.126	1.843	1.921	2.005	2.192	2.316	10.277
Outlays	2.117	2.002	1.872	1.949	2.170	2.468	10.461
900 Net Interest							
Budget Authority	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Outlays	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
Outlays	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
920 Allowances							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-84.700	-80.722	-82.011	-85.642	-88.980	-422.055
Outlays	-81.990	-84.700	-80.731	-82.011	-85.662	-88.983	-422.087
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-71.754	-67.035	-67.458	-70.175	-72.557	-348.979
Outlays	-69.714	-71.754	-67.044	-67.458	-70.195	-72.560	-349.011

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA	2,833.966	2,964.648	3,004.851	3,078.830	3,214.277	3,271.296	15,533.902
OT	2,751.168	2,932.771	3,050.953	3,106.494	3,217.179	3,252.030	15,559.427
On-Budget:							
BA	2,380.614	2,495.291	2,516.301	2,569.952	2,684.936	2,716.188	12,982.668
OT	2,300.065	2,465.888	2,565.305	2,600.718	2,691.358	2,700.809	13,024.078
Off-Budget:							
BA	453.352	469.357	488.550	508.878	529.341	555.108	2,551.234
OT	451.103	466.883	485.648	505.776	525.821	551.221	2,535.349
Revenues:							
Total	2,542.292	2,719.794	2,809.777	2,901.310	3,167.155	3,405.024	15,003.060
On-budget	1,904.706	2,050.796	2,106.926	2,163.721	2,394.550	2,597.096	11,313.089
Off-budget	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
Surplus/Deficit (-)							
Total	-208.876	-212.977	-241.176	-205.184	-50.024	152.994	-556.367
On-budget	-395.359	-415.092	-458.379	-436.997	-296.808	-103.713	-1,710.989
Off-budget	186.483	202.115	217.203	231.813	246.784	256.707	1,154.622
Debt Subject to Limit (end ol	8,927	9,461	10,036	10,591	11,001	11,231	na
Debt Held by the Public (enc	5,042	5,269	5,524	5,743	5,805	5,663	na
			By Function				
National Defense (050):							
BA	525.797	506.955	534.705	545.171	550.944	559.799	2,697.574
OT	534.270	514.401	524.384	536.433	547.624	548.169	2,671.011
International Affairs (150):							
BA	28.795	34.675	35.428	35.623	36.083	36.530	178.339
OT	31.308	33.096	32.557	32.687	33.006	33.613	164.959
General Science, Space, and Technology (250):							
BA	25.079	27.611	28.641	29.844	31.103	32.438	149.637
OT	24.516	26.472	28.411	29.485	30.089	31.367	145.824
Energy (270):							
BA	2.943	3.240	3.051	3.136	3.228	3.307	15.962
OT	1.369	1.092	1.454	1.641	1.697	1.997	7.881
Natural Resources and Environment (300):							
BA	31.332	32.813	33.529	34.483	35.152	36.194	172.171
OT	32.919	34.864	35.332	35.574	35.952	36.543	178.265
Agriculture (350):							
BA	21.471	20.381	20.933	21.138	21.156	21.402	105.010
OT	19.738	19.549	20.059	20.112	20.436	20.863	101.019
Commerce and Housing Credit (370):							
BA	10.215	10.958	12.073	14.775	8.622	8.522	54.950
OT	1.178	3.785	3.096	4.460	1.731	0.797	13.869

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA	5.515	9.158	9.973	13.775	8.822	8.822	50.550
OT	-3.522	1.985	0.996	3.460	1.931	1.097	9.469
Off-budget:							
BA	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
OT	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Transportation (400):							
BA	81.282	82.657	76.343	77.261	78.289	79.169	393.719
OT	74.739	80.802	83.948	86.127	87.018	88.761	426.656
Community and Regional Development (450):							
BA	15.717	15.032	13.928	14.129	14.328	14.528	71.945
OT	28.281	22.017	20.474	19.220	17.649	15.131	94.491
Education, Training, Employment and Social Services (500):							
BA	92.780	92.461	96.810	98.333	98.409	98.654	484.667
OT	92.224	91.119	93.978	96.041	97.276	96.909	475.323
Health (550):							
BA	267.892	286.767	307.842	325.885	347.621	370.780	1,638.895
OT	268.197	286.261	305.984	325.716	346.553	369.739	1,634.253
Medicare (570):							
BA	365.152	389.586	416.731	442.369	489.100	486.828	2,224.614
OT	370.180	389.696	416.382	442.589	489.109	486.440	2,224.216
Income Security (600):							
BA	360.365	379.927	391.073	401.429	417.016	402.874	1,992.319
OT	364.204	383.546	393.458	402.422	416.907	402.130	1,998.463
Social Security (650):							
BA	587.817	615.047	645.955	681.432	719.417	762.029	3,423.880
OT	585.568	612.573	643.053	678.330	715.897	758.142	3,407.995
On-budget:							
BA	19.089	19.644	21.518	23.701	27.009	29.898	121.770
OT	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Off-budget:							
BA	568.728	595.403	624.437	657.731	692.408	732.131	3,302.110
OT	566.479	592.929	621.535	654.629	688.888	728.244	3,286.225
Veterans Benefits and Services (700):							
BA	73.896	85.192	87.787	90.414	96.033	93.325	452.751
OT	72.342	82.772	87.681	89.710	95.410	92.599	448.172
Administration of Justice (750):							
BA	45.504	46.940	46.111	47.168	48.379	49.610	238.208
OT	44.659	46.155	47.311	47.504	48.164	49.207	238.341
General Government (800):							
BA	18.193	18.614	19.264	19.886	20.647	21.359	99.770
OT	18.574	18.998	19.328	19.765	20.370	21.193	99.654
Net Interest (900):							
BA	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
OT	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
OT	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
Off-budget:							
BA	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
OT	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Allowances (920):							
BA	0.785	---	---	---	---	---	---
OT	0.755	0.030	---	---	---	---	0.030
Undistributed Offsetting Receipts (950):							
BA	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
OT	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
On-budget:							
BA	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
OT	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
Off-budget:							
BA	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
OT	-12.3	-12.9	-13.7	-14.6	-15.5	-16.4	-73.076
Overseas Deployments and Other Activities (970):							
BA	124.310	145.163	50.000	---	---	---	195.163
OT	31.506	114.914	109.425	42.324	13.561	4.485	284.709

HOUSE-PASSED 2008 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA	1,075.450	1,100.099	1,048.238	1,020.619	1,032.422	1,052.213	5,253.591
OT	1,060.962	1,142.066	1,161.318	1,114.746	1,101.959	1,100.024	5,620.113
			By Function				
National Defense (050):							
BA	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
OT	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
International Affairs (150):							
BA	32.750	35.257	35.610	35.966	36.325	36.688	179.846
OT	36.676	35.085	34.988	35.335	35.615	36.192	177.215
General Science, Space, and Technology (250):							
BA	24.963	27.491	28.521	29.724	30.983	32.318	149.037
OT	24.402	26.340	28.281	29.358	29.962	31.251	145.192
Energy (270):							
BA	4.191	4.647	4.480	4.574	4.674	4.772	23.147
OT	3.881	4.295	4.560	4.616	4.709	4.804	22.984
Natural Resources and Environment (300):							
BA	30.361	31.369	32.183	33.036	33.923	34.814	165.325
OT	31.961	34.086	34.331	34.409	34.944	35.273	173.043
Agriculture (350):							
BA	5.767	5.825	5.972	6.126	6.289	6.451	30.663
OT	5.810	5.849	5.941	6.054	6.210	6.371	30.425
Commerce and Housing Credit (370):							
BA	2.690	4.399	5.319	9.102	4.045	4.020	26.885
OT	2.928	4.432	4.890	7.131	5.690	4.473	26.616
On-budget:							
BA	2.690	4.399	5.319	9.102	4.045	4.020	26.885
OT	2.928	4.432	4.890	7.131	5.690	4.473	26.616
Off-budget:							
BA	—	—	—	—	—	—	—
OT	—	—	—	—	—	—	—
Transportation (400):							
BA	26.117	25.398	27.513	28.295	29.148	29.977	140.331
OT	73.028	78.493	81.704	83.890	84.738	86.453	415.278
Community and Regional Development (450):							
BA	12.954	13.718	13.912	14.117	14.321	14.527	70.595
OT	25.724	20.958	20.720	19.454	17.864	15.328	94.324
Education, Training, Employment and Social Services (500):							
BA	80.299	82.341	85.910	86.756	87.625	88.483	431.115
OT	80.354	82.367	84.507	85.919	87.007	87.933	427.733

HOUSE-PASSED 2008 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
Health (550):							
BA	52.098	54.246	57.525	56.507	57.686	58.861	284.825
OT	52.733	54.095	55.495	56.077	56.591	57.728	279.986
Medicare (570):							
BA	4.788	5.009	5.220	5.445	5.690	5.972	27.336
OT	4.865	5.043	5.183	5.408	5.652	5.928	27.214
Income Security (600):							
BA	49.491	52.054	52.388	53.718	55.010	56.266	269.436
OT	55.654	57.329	57.176	56.905	57.095	57.639	286.144
Social Security (650):							
BA	4.692	4.850	4.996	5.147	5.306	5.467	25.766
OT	4.727	4.859	4.970	5.121	5.278	5.439	25.667
On-budget:							
BA	—	—	—	—	—	—	—
OT	—	—	—	—	—	—	—
Off-budget:							
BA	4.692	4.850	4.996	5.147	5.306	5.467	25.766
OT	4.727	4.859	4.970	5.121	5.278	5.439	25.667
Veterans Benefits and Services (700):							
BA	36.457	43.055	44.300	45.597	46.957	48.339	228.248
OT	35.027	40.709	44.309	45.012	46.331	47.751	224.112
Administration of Justice (750):							
BA	44.251	44.662	45.443	46.608	47.941	49.302	233.956
OT	43.355	45.042	46.188	46.677	47.801	48.975	234.683
General Government (800):							
BA	16.067	16.771	17.343	17.881	18.455	19.043	89.493
OT	16.457	16.996	17.456	17.816	18.200	18.725	89.193
Allowances (920):							
BA	0.785	—	—	—	—	—	—
OT	0.755	0.030	—	—	—	—	0.030
Overseas Deployments and Other Activities (970):							
BA	124.310	145.163	50.000	—	—	—	195.163
OT	31.506	114.914	109.425	42.324	13.561	4.485	284.709

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA	1,758.516	1,864.549	1,956.613	2,058.211	2,181.855	2,219.083	10,280.311
OT	1,690.206	1,790.705	1,889.635	1,991.748	2,115.220	2,152.006	9,939.314
On-Budget:							
BA	1,309.856	1,400.042	1,473.059	1,554.480	1,657.820	1,669.442	7,754.843
OT	1,243.830	1,328.681	1,408.957	1,491.093	1,594.677	1,606.224	7,429.632
Off-Budget:							
BA	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
OT	446.376	462.024	480.678	500.655	520.543	545.782	2,509.682
			By Function				
National Defense (050):							
BA	3.378	3.111	3.102	3.151	2.900	2.886	15.150
OT	3.151	3.257	3.190	3.193	2.913	2.893	15.446
International Affairs (150):							
BA	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
OT	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
General Science, Space, and Technology (250):							
BA	0.116	0.120	0.120	0.120	0.120	0.120	0.600
OT	0.114	0.132	0.130	0.127	0.127	0.116	0.632
Energy (270):							
BA	-1.248	-1.407	-1.429	-1.438	-1.446	-1.465	-7.185
OT	-2.512	-3.203	-3.106	-2.975	-3.012	-2.807	-15.103
Natural Resources and Environment (300):							
BA	0.971	1.444	1.346	1.447	1.229	1.380	6.846
OT	0.958	0.778	1.001	1.165	1.008	1.270	5.222
Agriculture (350):							
BA	15.704	14.556	14.961	15.012	14.867	14.951	74.347
OT	13.928	13.700	14.118	14.058	14.226	14.492	70.594
Commerce and Housing Credit (370):							
BA	7.525	6.559	6.754	5.673	4.577	4.502	28.065
OT	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
On-budget:							
BA	2.825	4.759	4.654	4.673	4.777	4.802	23.665
OT	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
Off-budget:							
BA	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
OT	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Transportation (400):							
BA	55.165	57.259	48.830	48.966	49.141	49.192	253.388
OT	1.711	2.309	2.244	2.237	2.280	2.308	11.378
Community and Regional Development (450):							
BA	2.763	1.314	0.016	0.012	0.007	0.001	1.350
OT	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
Education, Training, Employment and Social Services (500):							
BA	12.481	10.120	10.900	11.577	10.784	10.171	53.552
OT	11.870	8.752	9.471	10.122	10.269	8.976	47.590
Health (550):							
BA	215.794	232.521	250.317	269.378	289.935	311.919	1,354.070
OT	215.464	232.166	250.489	269.639	289.962	312.011	1,354.267
Medicare (570):							
BA	360.364	384.577	411.511	436.924	483.410	480.856	2,197.278
OT	365.315	384.653	411.199	437.181	483.457	480.512	2,197.002
Income Security (600):							
BA	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
OT	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
Social Security (650):							
BA	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
OT	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
On-budget:							
BA	19.089	19.644	21.518	23.701	27.009	29.898	121.770
OT	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Off-budget:							
BA	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
OT	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
Veterans Benefits and Services (700):							
BA	37.439	42.137	43.487	44.817	49.076	44.986	224.503
OT	37.315	42.063	43.372	44.698	49.079	44.848	224.060
Administration of Justice (750):							
BA	1.253	2.278	0.668	0.560	0.438	0.308	4.252
OT	1.304	1.113	1.123	0.827	0.363	0.232	3.658
General Government (800):							
BA	2.126	1.843	1.921	2.005	2.192	2.316	10.277
OT	2.117	2.002	1.872	1.949	2.170	2.468	10.461
Net Interest (900):							
BA	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
OT	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
On-budget:							
BA	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
OT	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
Off-budget:							
BA	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
OT	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Allowances (920):							
BA	—	—	—	—	—	—	—
OT	—	—	—	—	—	—	—
Undistributed Offsetting Receipts (950):							
BA	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
OT	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA.....	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
OT.....	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
Off-budget:							
BA.....	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
OT.....	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076

AGGREGATE AND FUNCTION LEVELS

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the Senate concurrent resolution, the House amendment, and conference agreement for each major budget function, as well as revenue totals, are discussed in the following section. A summary of the overall budget policy is as follows:

Total spending is $2.965 trillion in budget authority (BA) and $2.937 trillion in outlays in 2008, and $15.538 trillion in BA and $15.567 trillion in outlays over 2008–2012.

Discretionary spending for 2008 totals $1.100 trillion in BA and $1.145 trillion in outlays in 2008, and $5.246 trillion in BA and $5.615 trillion in outlays over 2008–2012. Excluding funding for overseas deployments and other activities, discretionary spending for 2008 totals $954.1 billion in BA and $1.029 trillion in outlays. These aggregate amounts (minus cap adjustments for program integrity initiatives) are allocated to the Appropriations Committees to be suballocated among their respective appropriations subcommittees.

Mandatory spending totals $1.866 trillion in BA and $1.792 trillion in outlays in 2008, and $10.293 trillion in BA and $9.952 trillion in outlays over 2008–2012. This includes $750 million in reconciled savings over 2007–2012. These savings are reflected in Function 500. Specific policies to achieve those savings will be determined by the committees of jurisdiction.

Revenue totals $2.685 trillion in 2008, and $14.828 trillion over five years. Specific policies will be determined by the Committee on Finance in the Senate and the Committee on Ways and Means in the House.

The conference report reduces the budget deficit from $251.7 billion in 2008, to a surplus of $41.5 billion in 2012.

The following section describes the conference report's revenue levels and spending according to the budget's functional categories.

REVENUES

Summary

The revenue component of the budget resolution reflects all of the federal government's tax receipts that are classified as ''on budget.'' This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. Taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance (OASDI) payroll tax—are ''off budget.'' The Hospital Insurance payroll tax portion of Medicare, the Federal Unemployment Tax Act payroll tax, railroad retirement and other retirement systems are all ''on budget.'' Customs duties, tariffs, and other miscellaneous receipts are also included in the revenue component. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes are not included in the budget resolution.

Senate Resolution

The Senate budget resolution includes $2.0 trillion in on-budget revenues for 2008, and $11.1 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $14.8 trillion over five years.) The resolution provides two years of relief from the Alternative Minimum Tax (AMT), protecting some 20 million middle-class taxpayers from being subject to the AMT in 2007 and 2008. The cost of providing this relief is fully offset. The resolution also assumes the extension of the college tuition deduction, with the costs offset.

The revenue level in the Senate resolution is $179.8 billion below the levels in the CBO baseline over 2007–2012. This provides for the extension after 2010 of middle-class tax relief—child tax credit, the 10 percent bracket, and marriage penalty relief—as well as continuation of the estate tax at 2009 levels adjusted for inflation. In addition, this revenue reduction accommodates extension of other tax provisions expiring in 2010, such as the adoption tax credit, the dependent care tax credit, and the treatment of combat pay for purposes of the earned income tax credit.

The Senate resolution includes several reserve funds that provide for tax relief, including refundable tax relief and the extension of expiring tax relief, as long as the costs of these provisions are offset. These deficit-neutral reserve funds would accommodate, for instance, tax relief related to agriculture, energy, higher education, and manufacturing as well as the extension of enhanced charitable giving from individual retirement accounts, the State and local sales tax deduction, the new markets tax credit, and the above-the-line deduction for teacher classroom supplies.

The Senate resolution assumes that any additional revenues needed under the resolution can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes. To help close the tax gap and bolster Internal Revenue Service (IRS) enforcement, the resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $406 million to IRS enforcement activities.

House Amendment

The House amendment matches the level of revenues under the CBO baseline in each year over the 2007–2012 period. This includes $2.1 trillion in on-budget revenues for 2008, and $11.3 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $15.0 trillion over five years.)

By following CBO's baseline path of revenues, the House amendment achieves current-law total revenue levels, but does not assume maintaining current tax law. Thus, the House amendment accommodates reform of the AMT and extension of tax cuts benefitting middle-income households (including the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for State and local sales taxes), as long as such changes to tax law are accomplished in a deficit-neutral manner over the 2007–2012 and 2007–2017 periods.

The House amendment also accommodates deficit-neutral extension of other expiring tax provisions, such as the research and experimentation tax credit and the deduction for small business expensing. In addition, the House amendment accommodates deficit-neutral elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit. It also accommodates other high priority deficit-neutral revenue adjustments, such as providing a tax credit for local bonds to support the repair or construction of public schools.

Conference Agreement

The conference agreement includes $2.0 trillion in on-budget revenues for 2008, and $11.1 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $14.8 trillion over five years.) The resolution provides immediate relief from the Alternative Minimum Tax (AMT), with its cost fully offset. The resolution also reflects extension of the college tuition deduction, with the costs offset. The agreement supports tax relief that would benefit the middle class—including extension of the child tax credit, 10 percent bracket, and marriage penalty relief—and provide for estate tax reform. Additionally, the agreement includes several deficit-neutral reserve funds that provide for a wide range of tax policies.

The revenue level in the conference agreement is $180 billion below the levels in the CBO baseline over 2007–2012. Revenue legislation is subject to House and Senate pay-as-you-go (paygo) rules. Additionally, the House reserve fund adjustment for revenue measures (Section 321)—the House ''trigger'' mechanism—creates a second procedural hurdle in the House only, in addition to the paygo rule, to ensure fiscal responsibility.

NATIONAL DEFENSE: FUNCTION 050

Function Summary

The National Defense function includes the military activities of the Department of Defense (DoD), the nuclear-weapons related activities of the Department of Energy (DoE) and the National Nuclear Security Administration, and the national security activities of several other agencies such as the Selective Service, Coast Guard and Federal Bureau of Investigation. The programs in this function include: the pay and benefits of active, Guard, and reserve military personnel; DoD operations including training, maintenance of equipment, and facilities; health care for military personnel and dependents; procurement of weapons; research and development; construction of military facilities, including housing; research on nuclear weapons; and the cleanup of nuclear weapons production facilities.

Senate Resolution

The Senate resolution calls for a total of $648.8 billion in BA and $617.8 billion in outlays for 2008, and $2.9 trillion in BA and outlays over five years. This includes full funding for the President's request for war costs for 2007 through 2009.

Excluding requested war funds, the Senate resolution provides $503.8 billion in BA and $511.1 billion in outlays for defense in 2008. This funding for defense was equal to the level requested by the President for 2008 (as re-estimated by CBO), for a total increase of $39.6 billion in BA over the 2007 level adjusted for inflation.

The Senate resolution rejects the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65.

Additionally, the Senate resolution assumes full funding of the President's request for $690 million to support the baseline cost to completion for the waste treatment plant and associated facilities at the Hanford Nuclear Reservation. The resolution additionally assumes increases totaling $22.9 million for the Hanford tank farm and other Hanford cleanup-related programs.

The Senate resolution recognizes that many communities will experience significant population growth or declines resulting from the Base Realignment and Closure (BRAC) 2005 process, and it supports additional funding to accommodate the needs of these communities.

The National Guard has a long history of outstanding service to our nation. Since September 11, 2001, our reliance on the National Guard has only increased with many thousands of troops serving the nation both at home and abroad. The President has now announced that National Guard units will face re-activation for additional tours of duty in Iraq and Afghanistan despite the fact that they have not had the amount of time at home station between deployments that is expected under Department of Defense standards. Congress has provided the National

Guard with significant resources in recognition of the important role the Guard plays in our national security and to ensure that it has the tools to continue to perform its missions. The Senate resolution assumed continued funding of the National Guard at levels at least as high as those assumed in the President's Budget. The Senate resolution encourages the Appropriations Committee to provide for critical needs for National Guard equipment left unfunded in the President's Budget.

The Senate resolution includes a cap adjustment provision allowing the Chairman of the Budget Committee to revise the discretionary spending cap for appropriations related to operations in Iraq, Afghanistan, and other war-related costs. The cap adjustment allowed under the Senate resolution is $145.2 billion in budget authority for 2008 and $50.0 billion for 2009 (a portion of these costs are expected to fall under budget functions other than National Defense). The Senate resolution's levels of deficits and debt assumes that this cap adjustment is fully utilized.

An additional defense-related cap adjustment provision allows the Chairman of the Budget Committee to increase the discretionary cap by up to $5.0 billion to address deficiencies in training, equipment, force protection, logistics, or other matters necessary for the protection of United States military forces, or to address deficiencies at Walter Reed and other military medical facilities.

The existence of these cap adjustments would not prevent the Appropriations Committee from reporting emergency supplemental appropriations legislation if war costs exceed the allotted level. Emergency funding falls outside the discretionary spending caps included in the resolution, and hence does not require an adjustment.

For 2007, the Senate resolution assumes the enactment of the President's full emergency request for war costs, consisting of $99.6 billion in BA and $27.0 billion in outlays. Each of these levels is equal to CBO's reestimate of the President's war funding request.

House Amendment

The House amendment reflects a total of $507.0 billion in BA and $514.4 billion in outlays in 2008, and $2.7 trillion in BA and outlays over five years. The defense of our nation ranks first among our priorities, and the House amendment accordingly provides robust funding for Function 050 (National Defense). The amendment calls, however, for a reallocation of resources to address threats facing the nation and to guarantee first-rate health care for members of our armed forces. It includes assumptions on specific defense policy in Title IV, Section 402.

The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) identified terrorists with weapons of mass destruction as one of the nation's gravest threats. It recommended that Congress supply more resources to secure nuclear weapons and the fissile materials used in making these weapons. It is the policy of the House amendment that non-proliferation programs, such as the Cooperative Threat Reduction program, be given greater priority and higher funding.

High among our priorities is the health care guaranteed our armed forces, not only while they are in harm's way, but when they return from combat with injuries. For that reason, the House amendment opposes Tricare fee increases and calls for a substantial increase in the veterans' health care system. The amendment notes the upcoming recommendations of the President's Commission on Care for America's Returning Wounded Warriors and other government investigations in connection with the substandard care at Walter Reed Army Medical Center, and allows funds for action when those recommendations are received.

It is the policy of the House amendment that acquisition programs such as missile defense and satellite procurement be funded at lower, but still robust levels. Development of space-based interceptors as part of the missile defense program should be de-emphasized and satellite development and procurement should proceed along a more measured schedule. DoD's satellite programs have experienced significant cost growth and the President's request for satellite acquisition reflects a 26 percent increase above the 2007 enacted level.

The House amendment recognizes the need for DoD to root out wasteful spending with far more diligence. Seventeen years after passage of the Chief Financial Officers Act of 1990, DoD still cannot pass a standard audit. The Department cannot adequately track what it owns or the spending in its annual budgets. DoD has allowed the cost of its major acquisition programs to grow at an unsustainable rate. The Department's major acquisition programs grew by $317.0 billion above their initial projections from 2002 to 2006. DoD has awarded contracts for its foreign deployments that have been grossly more wasteful than domestic contracts, especially in Iraq. Furthermore, DoD continues to fund weapons systems that were developed years ago to counter Cold War-era threats, which may not be as effective in protecting the nation from today's threats.

Over the last six years, the Government Accountability Office (GAO) has performed numerous audits of DoD's financial management, contracting, and business practices. GAO made 2,544 recommendations, of which 1,378 have yet to be implemented. The House amendment assumes that enhancing accounting practices at DoD and implementing many GAO recommendations would yield substantial savings that could be applied to meet critical defense priorities. The amendment also directs the committees with jurisdiction over defense and armed services to conduct more oversight with the objective of ferreting out wasteful practices, fraud, and abuse.

For mandatory programs, the House amendment matches the President's assumptions regarding offsetting receipts.

Conference Agreement

The conference agreement for Function 050 includes a total of $507.0 billion in BA and $514.4 billion in outlays in 2008, and $2.7 trillion in BA and outlays over five years. The conference agreement does not assume enactment of the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65. In keeping with the Senate resolution, the conference agreement assumes that total National Defense funding includes no less than $5.0 billion to address deficiencies in training, equipment, force protection, logistics, and military medical care. The conference agreement reaffirms the Senate resolution's position on the importance of robust funding for atomic energy defense environmental cleanup activities.

For mandatory programs, the conference agreement matches the President's assumptions regarding offsetting receipts.

The conference agreement reflects war costs in Function 970, as in the House amendment.

The conference agreement also includes a deficit-neutral reserve fund (Section 302) to provide increased flexibility to the relevant House and Senate committees on various issues related to meeting our commitments to wounded and disabled military personnel and veterans, as well as their survivors.

The conference agreement includes a statement of policy on defense issues (Section 402). The House Budget Committee report (H. Rept. 110–69) discussed key priorities to be funded within the defense allocation and the need for the Department of Defense to root out wasteful spending (such as the continued funding of some Cold War-era weapons systems, which may not be as effective in protecting the nation from today's threats). The conference agreement reaffirms these priorities.

INTERNATIONAL AFFAIRS: FUNCTION 150

Function Summary

The International Affairs function includes funding for operations of U.S. embassies and other diplomatic missions abroad; development aid and technical assistance to developing countries; security assistance to foreign governments; refugee assistance; Foreign Military Sales Trust Fund; contributions to international organizations, including financial institutions; and the Export-Import Bank and other trade promotion programs. The major agencies in this function include the Departments of Agriculture, State, and the Treasury; the United States Agency for International Development; and the Millennium Challenge Corporation.

Senate Resolution

The Senate resolution calls for a total of $39.2 billion in BA and $36.9 billion in outlays, including the 2008 emergency request, and $180.0 billion in BA and $172.3 billion in outlays over five years. Excluding assumed war costs provided under a cap adjustment, discretionary spending for 2008 totals $36.5 billion in BA and $35.9 billion in outlays. The discretionary level is $6.5 billion above the 2007 level adjusted for inflation. The Senate resolution includes an increase in funding for international programs and additional funds for trade enforcement.

Overall, the Senate resolution increases funding for the President's Emergency Plan for AIDS Relief above the requested level and provides a U.S. contribution to the Global Fund for HIV/AIDS, Tuberculosis and Malaria of $940 million.

House Amendment

The House amendment reflects a total of $34.7 billion in non-emergency BA and $33.1 billion in non-emergency outlays in 2008, and $178.3 billion in BA and $165.0 billion in outlays over five years. The House amendment's discretionary budget authority for 2008 is $2.0 billion (5.9 percent) more than the amount needed to maintain purchasing power at the 2007 level. The amendment matches the President's Function 150 request for activities related to the United States' overseas military deployments and the Emergency Plan for AIDS Relief, which includes the Global HIV/AIDS Initiative. The House also notes the importance of adequate funding for core U.S. development assistance and other high priority programs.

Consistent with the President's budget, the House amendment also provides full funding to continue agreements that the United States reached in 1998 with Israel and Egypt regarding levels of military financing and economic support.

The House amendment provides additional funding for 2008 for the McGovern-Dole International Food for Education and Child Nutrition Program. This program has been demonstrated to help reduce child hunger and malnutrition, and increase enrollment and attendance in schools in beneficiary countries.

The House notes the large amount of unobligated funding that is still available for the Millennium Challenge Corporation, which has received almost $6.0 billion in total appropriations from fiscal years 2004 through 2007.

The House also notes the strong support enjoyed by H.R. 1595, a measure designed to provide compensation to the Guamanian victims of the Imperial Japanese military occupation during World War II.

Conference Agreement

The conference agreement includes $34.7 billion in BA and $33.1 billion in outlays in 2008, and $180.1 billion in BA and $166.5 billion in outlays over five years. The conference agreement reflects international affairs funding associated with overseas deployments and related activities in Function 970, as in the House amendment.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY: FUNCTION 250

Function Summary

The General Science, Space, and Technology function includes funding for the National Aeronautics and Space Administration (NASA), except aviation programs, the National Science Foundation (NSF), as well as programs in the Department of Energy (DoE) Office of Science.

Senate Resolution

The Senate resolution calls for a total of $27.6 billion in BA and $26.4 billion in outlays for 2008, and $137.5 billion in BA and $136.4 billion in outlays over five years.

The Senate resolution assumes the President's request of $17.3 billion for NASA. The United States' goals for space exploration were defined in the President's 'Vision for Space Exploration' and included in the National Aeronautics and Space Administration Authorization Act of 2005. The resolution recognizes the importance of our nation's space program and endorsed the Act's balanced goals of exploration, science and aeronautics. The Act calls for retirement of the Space Shuttle by 2010 and first flight of its replacement by 2014. The Senate resolution recognizes the strategic importance of uninterrupted access to space and supported efforts to reduce this four-year gap in U.S. human space flight.

In addition, the Senate resolution notes the importance of incentives to promote innovation and competitiveness through research as essential to our nation's efforts to advance the scientific and technological developments necessary to maintain our quality of life and economic security. The resolution also reflects the Senate's concern about the geographic imbalance of federal research funding and believes that it is incumbent upon departments and agencies to ensure a more equitable distribution of funding and research infrastructure development throughout the nation.

The Senate resolution provides a $1.0 billion increase for additional investments in innovation and education, and $40 million for NSF nanotechnology programs.

House Amendment

The House amendment reflects a total of $27.6 billion in BA and $26.5 billion in outlays in 2008, and $149.6 billion in BA and $145.8 billion in outlays over five years. Funding in Function 250 exceeds the funding levels in the President's budget and the current services level for all five years in the budget window. Additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 370 (Commerce and Housing Credit), Function 400 (Transportation), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health), all of which receive more funding than the President requested. These increases will support the goals of the House Leadership's Innovation Agenda: to put NSF funding on a path toward doubling, to train more qualified science and math teachers, and to invest in basic research on energy technologies.

Conference Agreement

The conference agreement includes $27.6 billion in BA and $26.5 billion in outlays in 2008 and $149.6 billion in BA and $145.8 billion in outlays over five years. The conference agreement provides significant increases for NSF and the DoE Office of Science, and fully funds the President's 2008 request for NASA at $17.3 billion. For NASA, this represents an increase of $696 million, or 4 percent, above the 2007 level adjusted for inflation.

ENERGY: FUNCTION 270

Function Summary

The Energy function includes funding for most civilian energy and environmental programs in the Department of Energy (DoE). This function also includes the Rural Utilities Service of the Department of Agriculture, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission. This function does not include DoE's national security activities, which are in the National Defense function, or its basic research and science activities, which are in the General Science, Space and Technology function.

Senate Resolution

The Senate resolution calls for a total of $3.7 billion in BA and $1.3 billion in outlays for 2008, and $16.6 billion in BA and $8.5 billion in outlays over five years. The Senate resolution assumes $1.6 billion for the DoE's Energy Efficiency and Renewable Energy program. This funding level is $385 million above the President's request. In addition, the Senate resolution rejects the President's proposed cuts to the fossil energy research and development program.

The Senate resolution includes a deficit-neutral reserve fund for energy legislation that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency. The reserve fund will provide committees increased flexibility in finding offsets for legislation that addresses the energy challenges facing our nation. The Senate resolution also includes a deficit-neutral reserve fund which accommodates the extension of various energy tax incentives.

The Senate resolution rejects the President's proposal to increase the interest rates Power Marketing Administrations pay when they borrow funds from the Treasury. The resolution also rejects the proposal to accelerate the Bonneville Power Administration's (BPA's) debt repayment. The BPA proposal could lead to higher electricity rates for power customers in the Northwest and circumvent the regional decision making process. It is unfortunate that the President's budget proposed this again after it was explicitly rejected by Congress last year. The resolution does not assume any savings from the proposal and includes a deficit-neutral reserve fund for legislation blocking the proposal. The levels for the energy function assume funding to accommodate legislation blocking the BPA proposal.

The Senate resolution adds funding for carbon sequestration and capture technology and funding for geothermal, ocean, and hydroelectric energy assistance.

House Amendment

The House amendment reflects a total of $3.2 billion in BA and $1.1 billion in outlays for 2008, and $16.0 billion in BA and $7.9 billion in outlays over five years. The amendment provides funding above the President's request and the level needed to maintain current services for Function 270. This increased funding could be used for research, development, and deployment of renewable and alternative energy technology and resources.

The House amendment also establishes a reserve fund to facilitate the development of conservation and efficiency technologies, clean domestic renewable energy resources, and alternative fuels that will reduce our reliance on foreign oil. The federal government, and particularly the DoE, should take the lead in research and development, and to that end, the House amendment includes an increase in Function 270 above baseline, while emphasizing that this is a first step toward increases that need to come soon and be substantial.

In the meantime, the DoE should husband its resources and program work at the national laboratories to advance the technologies of energy conservation and efficiency and of clean, renewable energy. Other agencies and departments of the government should join this effort. The House amendment recognizes, for example, the role that the Department of Agriculture could take in developing new energy sources such as cellulosic ethanol, and approves this mission among those cited in Function 350.

Funding sources for research and development are scattered throughout the budget. These sources need to be inventoried, and where possible, refocused on research and development of clean and renewable energies.

Conference Agreement

The conference agreement includes $3.4 billion in BA and $1.2 billion in outlays for 2008, and $16.6 billion in BA and $8.5 billion in outlays over five years. The conference agreement rejects the proposal to accelerate the Bonneville Power Administration's (BPA's) debt repayment. The BPA proposal could lead to higher electricity rates for power customers in the Northwest and circumvent the regional decision making process. It is unfortunate that the President's budget proposed this again after it was explicitly rejected by Congress last year. The conference agreement does not assume any savings from the proposal and includes a deficit-neutral reserve fund for legislation rejecting the proposal. The levels for the energy function assume funding to accommodate legislation rejecting the BPA proposal.

The conference agreement also rejects the President's proposal to increase the interest rates Power Marketing Administrations pay when they borrow funds from the Treasury.

The conference agreement includes a deficit-neutral reserve fund to accommodate energy legislation in both the House and the Senate.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

Function Summary

The Natural Resources and Environment function consists of funding for water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior (including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the Minerals Management Service), conservation-oriented and land management agencies within the Department of Agriculture (including the Forest Service), the National Oceanic and Atmospheric Administration at the Department of Commerce, the Army Corps of Engineers, and the Environmental Protection Agency (EPA).

Senate Resolution

The Senate resolution calls for a total of $32.9 billion in BA and $34.9 billion in outlays for 2008, and $169.7 billion in BA and $176.4 billion in outlays over five years. The Senate resolution includes $8.1 billion for the EPA. This is $877 million above the President's request and $170 million above the 2007 level adjusted for inflation. In nominal dollars, the President's proposed 2008 funding level of $7.2 billion would be the lowest budget for EPA since 1997. The Senate resolution assumes $1.5 billion for Superfund, an increase of $211 million above the President's request. The Senate resolution also assumes full funding for EPA's programs to support clean and safe drinking water. It rejects the President's proposal to cut a variety of environmental protection programs.

The Senate resolution rejects the President's proposal to permit oil and gas leasing in the Arctic National Wildlife Refuge (ANWR) and does not assume savings from the proposal. The Senate resolution also does not assume any savings from the President's proposal to sell Federal lands.

It rejects the proposal in the President's budget to reallocate the repayment of the capital costs of the Pick-Sloan Missouri Basin irrigation program to power customers. The resolution recognizes the importance of the Bureau of Reclamation rural water program to support ongoing Municipal, Rural, and Industrial (MR&I) systems for the Great Plains Region. The Bureau of Reclamation supplies drinking water to 2.6 million people in the Great Plains region and is encouraged to prioritize the completion of the Pick Sloan-Missouri Basin Program—Garrison Diversion Unit, the Mni Wiconi Project, Dry Prairie, Perkins County, and the Lewis and Clark projects. Together, these projects have a capability of $200 million. The resolution supports funding these projects at a level that is as close as possible to the full capability for these vital rural water development projects. The Senate resolution adds funding for the Forest Service.

House Amendment

The House amendment reflects a total of $32.8 billion in BA and $34.9 billion in outlays for 2008 and $172.2 billion in BA and $178.3 billion in outlays over five years. The House amendment rejects the President's proposed cuts to priority programs, such as the Land and Water Conservation Fund, the Fish and Wildlife Service's wildlife refuge system, the EPA's grants to States and Tribes to address water and air quality, and other EPA programs. It also includes funding to address high-priority brownfield redevelopment concerns. In addition, the amendment accommodates the President's recommendation to increase funding for the operation and maintenance of the national park system. The House amendment includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes $33.4 billion in BA and $35.2 billion in outlays for 2008, and $173.2 billion in BA and $179.3 billion in outlays over five years. The funding levels in the conference agreement assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2008 at no less than $400 million above the ten-year average at the Forest Service and $100 million above the ten-year average at the Department of the Interior.

AGRICULTURE: FUNCTION 350

Function Summary

The Agriculture function includes farm income stabilization, agricultural research, and other services administered by the U.S. Department of Agriculture. The discretionary programs include research and education programs, economics and statistics services, administration of the farm support programs, farm loan programs, meat and poultry inspection, and a portion of the Public Law 480 international food aid program. The mandatory programs include commodity programs, crop insurance, and certain farm loans.

Senate Resolution

The Senate resolution reflects a total of $20.5 billion in BA and $21.5 billion in outlays for 2008 and $105.0 billion in BA and $102.9 billion in outlays over five years. With the 2002 Farm Bill expiring this year, the Senate resolution provides a deficit-neutral reserve fund for the reauthorization of agricultural programs. To address the needs of rural America and promote new sources of renewable energy from U.S. farm products, it would provide a $15.0 billion deficit-neutral reserve fund for the 2007 through 2012 period to reauthorize the Farm Bill. The reauthorization of the Farm Bill will provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness.

House Amendment

The House amendment reflects a total of $20.4 billion in BA and $19.5 billion in outlays for 2008 and $105.0 billion in BA and $101.0 billion in outlays over five years. The amendment provides sufficient funding to bolster commodity support, agricultural research, and animal and plant inspection programs. The amendment includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes a total of $20.5 billion in BA and $19.6 billion in outlays for 2008, and $105.5 billion in BA and $101.5 billion in outlays over five years. The conference agreement includes a deficit-neutral reserve fund (Section 307) to provide up to an additional $20.0 billion for the 2007 Farm Bill to improve the economic safety net for farmers, address domestic nutrition needs, enhance conservation programs, and encourage the production of renewable energy resources and other purposes.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

Function Summary

The Commerce and Housing Credit function includes mortgage credit, the Postal Service, deposit insurance, and other advancement of commerce (the majority of the discretionary and mandatory spending in this function). The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Most of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census. Finally, the function also includes funding for independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

Senate Resolution

The Senate resolution calls for a total of $10.7 billion in unified BA and $3.7 billion in unified outlays for 2008, and $47.8 billion in unified BA and $7.1 billion in unified outlays over five years. The Senate resolution rejects the President's proposal to cut assistance to America's small businesses. The President has tried repeatedly to reduce the Manufacturing Extension Program (MEP), which helps small businesses adopt advanced manufacturing technologies, but Congress has consistently restored the funding. The Senate resolution restores cuts to this vital program. The Senate resolution also provides robust resources for the Small Business Administration.

House Amendment

The House amendment reflects a total of $11.0 billion in unified BA and $3.8 billion in unified outlays for 2008 and $55.0 billion in unified BA and $13.9 billion in unified outlays over five years. The House amendment's discretionary function total includes significantly increased funding for the Bureau of Census, reflecting continued preparation for the 2010 census. For 2008, and over the following four years, funding in Function 370 is above the level in the President's budget.

Conference Agreement

The conference agreement calls for a total of $11.1 billion in unified BA and $3.8 billion in unified outlays for 2008, and $55.1 billion in unified BA and $14.1 billion in unified outlays over five years.

TRANSPORTATION: FUNCTION 400

Function Summary

The Transportation function consists mostly of the programs administered by the Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. This function also includes two components of the Department of Homeland Security: the Coast Guard and the Transportation Security Administration. In addition, this function includes several small transportation-related agencies and the research program for civilian aviation at NASA.

Senate Resolution

The Senate resolution calls for a total of $83.9 billion in BA and $81.4 billion in outlays for 2008, and $390.2 billion in BA and $425.3 billion in outlays over five years. The Senate resolution provides $1.8 billion in BA for Amtrak, a funding level that is $880 million above the President's request and $480 million above the 2007 level adjusted for inflation. Amtrak is a vital link to many small communities, and the Senate resolution will help Amtrak pay off debt and continue to improve its operations. The Senate resolution also provides full funding for highway, safety, and transit programs.

House Amendment

The House amendment reflects a total of $82.7 billion in BA and $80.8 billion in outlays for 2008 and $393.7 billion in BA and $426.7 billion in outlays over five years. It fully funds the highway, safety, and transit programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A

Legacy for Users (SAFETEA–LU). Specifically, the House amendment includes both the revenue aligned budget authority (RABA) and the funding for transit capital projects that the President's 2008 budget cuts. In addition, the House amendment maintains Amtrak, provides additional funding for grants to airports, and rejects the President's cuts to aviation programs within NASA.

Conference Agreement

The conference agreement provides a total of $82.8 billion in BA and $81.1 billion in outlays for 2008 and $393.2 billion in BA and $426.1 billion in outlays over five years. The conference agreement fully funds the highway, safety, and transit programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Specifically, the conference agreement includes the revenue aligned budget authority (RABA) that the President's 2008 budget cuts. Among other transportation programs, the conference agreement provides $1.8 billion in BA for Amtrak.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

Function Summary

The Community and Regional Development function includes federal programs to improve community economic conditions, promote rural development, and assist in federal preparations for and response to disasters. This function provides appropriated funding for the Community Development Block Grant (CDBG), Department of Agriculture rural development programs, the Bureau of Indian Affairs, the Federal Emergency Management Agency (including homeland security grants), and other disaster mitigation and community development-related programs. It also provides mandatory funding for the federal flood insurance program.

Senate Resolution

The Senate resolution calls for a total of $15.4 billion in BA and $22.5 billion in outlays for 2008, and $70.7 billion in BA and $96.9 billion in outlays over five years. This level restores cuts proposed in the President's budget for community development programs and several Department of Homeland Security (DHS) grant programs, including first responder grants. In addition, the Senate resolution includes increases in funding for security grant programs relating to port security, rail and transit security, interoperable communications equipment, and emergency management performance grants.

House Amendment

The House amendment reflects a total of $15.0 billion in BA and $22.0 billion in outlays in 2008, and $71.9 billion in BA and $94.5 billion in outlays over five years. The House amendment provides more than the President's 2008 discretionary funding level for Function 450, rejecting the President's cuts to the Community Development Block Grant (CDBG) program and providing additional funds for this and other key priorities like rural development and disaster preparedness.

Conference Agreement

The conference agreement includes a total of $15.8 billion in BA and $22.3 billion in outlays for 2008, and $76.0 billion in BA and $97.6 billion in outlays over five years. The conference agreement provides funding for continued investments in and additional resources for community development and homeland security, including community development block grants, interoperable communications equipment grants, and emergency management performance grant programs.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

Function Summary

The Education, Training, Employment and Social Services function includes funding for the Department of Education, as well as programs in the Department of Health and Human Services (HHS) and the Department of Labor. This function provides funding for elementary and secondary, career and technical, and post-secondary educational programs; job training and employment services; children and family services; and statistical analysis and research related to these areas. It also contains funding for the Library of Congress and independent research and art agencies such as the Corporation for Public Broadcasting, the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, and the National Endowment for the Humanities.

Senate Resolution

The Senate resolution calls for a total of $93.9 billion in BA and $90.4 billion in outlays in 2008 and $490.6 billion in BA and $478.0 billion in outlays over five years. The Senate resolution provides $2.0 billion in 2009 advance funding for Function 500 programs.

The Senate resolution recognizes that investments in education and training programs are critical to our nation's long-term economic outlook and provides $9.3 billion above the President's 2008 discretionary request for this function, including $2.0 billion in advance 2009 funding. Specifically, the Senate resolution rejects the President's proposed cuts and provides the largest increase since 2002 for elementary and secondary programs, particularly for Title I, the Individuals with Disabilities Education Act (IDEA), and Impact Aid. The Senate resolution provides an increase for Head Start and fully accommodates the President's proposed increases in the maximum Pell grant.

The Senate resolution provides a deficit-neutral reserve fund to facilitate enactment of legislation to improve college access and affordability. The Senate resolution provides $100 million for summer education programs, and a deficit-neutral reserve fund to facilitate enactment of legislation to provide assistance to States for offering or expanding preschool for children from low-income families. The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation appropriating up to $17 million for 2008 if the Comptroller General makes certain certifications to Congress regarding the Smithsonian Institution.

House Amendment

The House amendment calls for a total of $92.5 billion in BA and $91.1 billion in outlays for 2008 and $484.7 billion in BA and $475.3 billion in outlays over five years. The House amendment specifically rejects the President's cuts to education, including his plan to eliminate many education programs. The amendment also rejects the President's steep cuts to job training and social services programs, including the Community Services Block Grant and the Social Services Block Grant.

In contrast to the President's funding cuts, the House amendment makes a down payment toward addressing long-standing needs in education, training, and social services. To that end, the amendment provides an appropriated program level for Function 500 that is $7.9 billion above the 2008 level in the President's budget. Those additional resources include $5.9 billion in 2008 funding and an increase of $2.0 billion in advance 2009 funding.

The House amendment's increased funding could be used for vital programs that help children and adults who most need assistance, including Head Start, Title I and other elementary and secondary education programs authorized under the No Child Left Behind Act, and employment training and national service programs such as VISTA. The additional funding also could bolster the federal government's commitment to cover a growing share of the cost of special education under the Individuals with Disabilities Education Act. Finally, the increased funds could help secure college access, equity, and success for every American by raising the maximum Pell Grant to at least $4,600, maintaining Supplemental Opportunity Educational Grants and the Leveraging Educational Assistance Partnerships, and broadening access to Hispanic-serving institutions, Historically Black Colleges and Universities, and other high-quality educational opportunities.

The House amendment also contains a reserve fund to accommodate legislation that makes college more affordable.

Conference Agreement

The conference agreement includes $93.9 billion in BA and $91.0 billion in outlays in 2008 as well as $2.0 billion in advance 2009 funding, and $492.3 billion in BA and $480.1 billion in outlays over five years. For 2008, the conference agreement provides $7.5 billion above the President in discretionary BA, plus the additional $2.0 billion in advance BA for 2009. The conference report rejects the President's program eliminations and cuts. Additional funding is provided for investments in educational opportunities, social services, and job training.

The conference agreement recognizes that funding for education programs has been insufficient to meet the mandates created by federal laws, and, even more important, to ensure that every child receives a world-class education. The agreement envisions significant investments in this area.

The conference agreement recognizes that early childhood education programs provide a sound return on investment. Despite efforts to increase preschool programs at the state level, the conference agreement acknowledges that many preschool children do not have access to early childhood education programs and further investments should be considered at the federal level. The conference agreement also contains a reserve fund to accommodate legislation that makes college more affordable.

HEALTH: FUNCTION 550

Function Summary

The Health function includes most direct health care service programs as well as funding for anti-bioterrorism activities, national biomedical research, protecting the health of the general population and workers in their places of employment, providing health services for under-served populations, and promoting training for the health care workforce. The major programs in this function include Medicaid, the State Children's Health Insurance Program (SCHIP), health benefits for federal workers and retirees, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Health Resources and Services Administration (HRSA), the Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Agency for Healthcare Research and Quality.

Senate Resolution

The Senate resolution calls for a total of $291.3 billion in BA and $290.2 billion in outlays for 2008, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The Senate resolution includes increases above the

2007 enacted level adjusted for inflation for NIH, HRSA, CDC, FDA, and IHS. Significant increases for Community Health Centers and health professions within HRSA are also included. The Senate resolution assumes funding for the last phase of HHS' National Strategy for Pandemic Influenza. The resolution rejects the President's proposed $146 million cut for Rural Health Activities in HRSA. The resolution also supports funding demonstration programs to provide patient navigator services as authorized in the Patient Navigator, Outreach, and Chronic Disease Prevention Act under HRSA. In addition, the Senate resolution contains various health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

House Amendment

The House amendment calls for a total of $286.8 billion in BA and $286.3 billion in outlays for 2008 and $1.6 trillion in BA and outlays over five years. The discretionary resources for Function 550 for 2008 represent an increase over both the 2007 level and the President's request. The House amendment increases resources for public health programs to provide for advances in science, improvements in health, access to quality health care for underserved populations, and other critical programs.

Programs in Function 550 are also addressed in the House amendment's deficit-neutral reserve funds for SCHIP and for Transitional Medical Assistance.

Conference Agreement

The conference agreement includes a total of $287.5 billion in BA and $286.4 billion in outlays for 2008, and $1.6 trillion in BA and $1.6 trillion in outlays over five years. In addition to increases for other health agencies, the conference agreement includes significant increases for Community Health Centers and the National Health Service Corps within HRSA as well as funding for patient navigator services. The conference agreement also contains several health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

MEDICARE: FUNCTION 570

Function Summary

The Medicare function includes funding to administer and to provide benefits under the Medicare program. Medicare is a federal health insurance program that currently covers 43 million Americans aged 65 and older, as well as younger adults who are disabled or suffer from end-stage renal disease.

Congress provides an annual appropriation for the costs of administering Medicare, including resources to conduct program integrity activities to guard against improper payments, fraud, and abuse. The remainder of spending in this function is mandatory and reflects payments to health care providers and private insurance plans, as well as beneficiary premiums and other receipts and payments to the Medicare trust funds, under the Part A Hospital Insurance (HI) program, the Part B Supplementary Medical Insurance (SMI) program, the Part C Medicare Advantage program, and the Part D Prescription Drug program.

Senate Resolution

The Senate resolution calls for a total of $390.0 billion in BA and $390.0 billion in outlays for 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. For 2008, the discretionary funding levels in this function include a discretionary cap adjustment of up to $383 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC program) to address improper payments, fraud, and abuse in the Medicare program. In addition, the mandatory funding levels in this function assume Medicare savings of $15.0 billion over five years from reducing certain overpayments to health care providers. Specific policies to enact these savings will be determined by the Senate Finance Committee. The function also assumes an additional savings of $400 million over five years to offset SCHIP shortfall legislation.

House Amendment

The House amendment reflects a total of $389.6 billion in BA and $389.7 billion in outlays in 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. It assumes the extension of Medicare premium assistance for qualified individuals with incomes between 120 and 135 percent of the federal poverty level and limited financial resources. The amendment assumes that savings from Medicare program efficiency improvements will offset the costs of extending the premium assistance program as well as other initiatives to improve the Medicare program for beneficiaries.

The House amendment assumes targeted assistance to hospitals with 100 beds or more that have faced a reduction in Medicare disproportionate share hospital payments due to assignment to a Micropolitan area.

The amendment accommodates a discretionary cap adjustment of $183 million for additional activities aimed at detecting and preventing Medicare fraud. The Health Care Fraud and Abuse Control program—a joint effort of the Department of Health and Human Services, the HHS Office of Inspector General, and the Department of Justice—generated roughly $4 in program savings for every dollar spent in 2004 and 2005.

The House amendment also contains a reserve fund to accommodate legislation for Medicare program improvements.

Conference Agreement

The conference agreement reflects a total of $389.6 billion in BA and $389.7 billion in outlays in 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. Discretionary and mandatory spending levels in this function are consistent with the CBO baseline funding levels.

For fiscal year 2008, the discretionary funding levels in Function 920 include a discretionary cap adjustment of up to $383 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC) program, to address improper payments, fraud and abuse in the Medicare program.

INCOME SECURITY: FUNCTION 600

Function Summary

The Income Security function contains a range of income security programs including: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. Major federal entitlement programs in this function include unemployment insurance, food stamps, child nutrition, Temporary Assistance to Needy Families (TANF), foster care, child support enforcement, child care, Supplemental Security Income, and spending for the refundable portion of the Earned Income Credit.

Senate Resolution

The Senate resolution calls for a total of $379.8 billion in BA and $383.6 billion in outlays for 2008, and $2.0 trillion in BA and $2.0 trillion in outlays over five years. The Senate resolution includes increases for the Low-Income Home Energy Assistance Program to continue providing heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The Senate resolution also includes a deficit-neutral reserve fund to provide up to an additional $5.0 billion in mandatory child care funding.

House Amendment

The House amendment calls for a total of $379.9 billion in BA and $383.5 billion in outlays for 2008 and $2.0 trillion in BA and outlays over five years. The House amendment provides increased funding that could be used to meet urgent needs related to Hurricane Katrina recovery and to begin addressing long-ignored challenges facing children and families, including large backlogs in the Social Security disability system. The amendment also includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes a total of $380.8 billion in BA and $384.3 billion in outlays for 2008, and $2.0 trillion in BA and $2.0 trillion in outlays over five years. The total includes increased funding for the Low-Income Home Energy Assistance Program, critical Hurricane Katrina recovery efforts, and other challenges, including a reduction of Social Security disability backlogs. The total Income Security funding level in the conference report (including Function 920) also assumes the President's full request for a cap adjustment for program integrity efforts, including additional funding for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, but does not assume enactment of proposals which would adversely affect workers who have received unemployment benefits. The conference agreement also includes a deficit-neutral reserve fund to provide up to an additional $5.0 billion in mandatory child care funding and a farm bill reserve fund which accommodates nutrition needs.

SOCIAL SECURITY: FUNCTION 650

Function Summary

The Social Security function includes funding for the Old-Age, Survivors, and Disability Insurance (OASDI) programs, which provide earned Social Security benefits to nearly 50 million eligible retired workers, disabled persons, and their spouses and survivors. In addition, this function provides funding to the Social Security Administration (SSA) and the Office of the Inspector General (OIG) to administer the Social Security program and ensure program integrity.

Under provisions of the Congressional Budget Act and the Budget Enforcement Act, the Old-Age and Survivors Insurance (OASI) trust fund and the Disability Insurance (DI) trust fund are off-budget and do not appear in the budget resolution totals. A small portion of spending in Function 650, the general fund transfer of income taxes on Social Security benefits to the trust funds, is considered on-budget and appears in the budget resolution totals.

Senate Resolution

The Senate resolution calls for $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.3 billion in BA and $612.8 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) This spending reflects the general fund transfer of

income taxes on Social Security benefits to the trust funds.

For 2008, the Senate resolution provides $5.1 billion in BA and $5.1 billion in outlays for SSA administrative expenses, as outlined in section 102(c) of the resolution, which represents a $297 million increase over the President's request. The additional funding is intended to help address the serious and growing backlog of Social Security disability claims and hearings.

House Amendment

The House amendment reflects $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.0 billion in BA and $612.6 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) It rejects the President's private account proposal for Social Security.

The administrative budget for the Social Security Administration (SSA) includes resources in Function 570 (Medicare) and Function 600 (Income Security) as well as Function 650. The House amendment assumes a $9.9 billion discretionary funding level for SSA. The additional resources will prevent increases in the backlogs of disability decisions and hearings that would occur under the President's budget. The House amendment will enable SSA to address the significant number of individuals waiting for disability and hearing decisions.

The House amendment also accommodates an additional $213 million through a discretionary cap adjustment for program integrity initiatives. The cap adjustment allows the agency to conduct an increasing number of Continuing Disability Reviews (CDRs) and Supplemental Security Income redeterminations.

Conference Agreement

The conference agreement includes $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.0 billion in BA and $612.6 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) The discretionary and mandatory funding levels in this function are consistent with the CBO baseline.

For 2008, the conference agreement provides total net resources for the administrative expenses of SSA and the OIG (across all relevant functions) of $10.1 billion, $430 million above the President's requested level. The total SSA funding level in the conference agreement assumes both the President's full request for a cap adjustment in Function 920 for program integrity efforts (including continuing disability reviews (CDRs) and SSI redeterminations) as well as additional resources in Function 600 to address the disability hearings and claims backlog.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

Function Summary

The Veterans Benefits and Services function covers the programs of the Department of Veterans Affairs (VA), including veterans' medical care, compensation and pensions, education and rehabilitation benefits, and housing programs. It also includes the Department of Labor's Veterans' Employment and Training Service, the United States Court of Appeals for Veterans Claims, and the American Battle Monuments Commission.

Senate Resolution

The Senate resolution calls for a total of $85.3 billion in BA and $84.4 billion in outlays for 2008, and $448.4 billion in BA and $446.8 billion in outlays over five years. The Senate resolution provides $43.1 billion in BA in 2008 for discretionary veterans' programs, including medical care. This amount is $3.6 billion more than the President's proposed funding level and represents 98 percent of the level requested in The Independent Budget, a plan developed by four leading veterans' groups. The funding in the Senate resolution will ensure that the Veterans Health Administration within VA can provide the highest quality health care for all veterans.

In 2005, the President's budget underfunded the Veterans Health Administration, and VA was forced to ask Congress for two supplemental funding requests. The Senate resolution provides full funding to ensure that VA can meet its obligations to veterans.

The Senate supports the determination that robust resources are needed by VA to address the backlog and delay in the disability evaluation and claims process, and that funding should be dedicated to address and improve this process.

House Amendment

The House amendment reflects a total of $85.2 billion in BA and $82.8 billion in outlays for 2008, and $452.8 billion in BA and $448.2 billion in outlays over five years. For 2008, the House amendment provides $6.6 billion of discretionary BA over the 2007 level, for a level that is $3.5 billion above the 2008 funding in the President's budget. The amendment reflects the high priority of adequately funding veterans programs. It rejects the veterans' health care enrollment fees and copayment increases that were imposed by the President's budget.

The House amendment provides full funding to support excellent health care for veterans and current service members. In particular, the House amendment provides funding to begin implementing future recommendations of the President's Commission on Care for America's Returning Wounded Warriors (the bi-partisan ''Walter Reed Commission'') and other United States Government investigations into military and veterans' health care facilities and services.

The House amendment provides additional funding in Function 700 above the President's requested levels for 2008 to address important priorities including veterans' mental health, post-traumatic stress disorder, traumatic brain injury, and spinal cord injury. The amendment also has additional funding for disability compensation claims processing so that VA can significantly reduce the inventory of pending claims.

Conference Agreement

The conference agreement provides a total of $85.3 billion in BA and $84.4 billion in outlays for 2008 and $452.8 billion in BA and $450.9 billion in outlays over five years. The conference agreement provides $43.1 billion in 2008 for discretionary veterans' programs, including medical care. This amount is $6.7 billion more than the 2007 enacted level and $3.6 billion more than the President's proposed funding level for 2008. This level is consistent with the Independent Budget, a plan developed by four leading veterans' groups, and recommendations of the American Legion.

ADMINISTRATION OF JUSTICE: FUNCTION 750

Function Summary

The Administration of Justice function includes funding for federal law enforcement activities at the Department of Justice (DOJ) including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). The function also includes funding for border enforcement by the Department of Homeland Security (DHS). Additionally, the function includes funding for civil rights enforcement and prosecution; federal block, categorical, and formula law enforcement grant programs to state and local governments; prison construction and operation; the United States Attorneys; and the federal judiciary.

Senate Resolution

The Senate resolution calls for a total of $48.8 billion in BA and $47.1 billion in outlays for 2008, and $242.8 billion in BA and $242.9 billion in outlays over five years. This level restores cuts proposed in the President's budget and provides additional resources for several law enforcement grant programs such as COPS, including meth hotspot grants, and the Edward Byrne Memorial Justice Assistance Grant program. In addition, the Senate resolution restores cuts and provides additional resources to the State Criminal Alien Assistance Program. The Senate resolution also includes increases in funding proposed in the President's budget for border security.

House Amendment

The House amendment reflects a total of $46.9 billion in BA and $46.2 billion in outlays in 2008, and $238.2 billion in BA and $238.3 billion outlays over five years. The House amendment rejects the cuts to local law enforcement and first responders in the President's budget, including cuts to the Edward Byrne Memorial Justice Assistance Grant program. The amendment provides funding above the President's budget level for 2008 for that purpose and for purposes such as protecting the borders and funding the 9/11 Commission recommendations.

Conference Agreement

The conference agreement includes a total of $48.0 billion in BA and $47.1 billion in outlays for 2008, and $246.8 billion in BA and $246.4 billion in outlays over five years. The agreement continues funding for local law enforcement, including Edward Byrne Memorial Justice Assistance Grants and COPS grants. In addition, the agreement also provides resources to help meet the 9/11 Commission recommendations and to protect the borders.

GENERAL GOVERNMENT: FUNCTION 800

Function Summary

The General Government function consists of the activities of the Legislative Branch, the Executive Office of the President, general tax collection and fiscal operations of the Department of the Treasury (including the IRS), the Office of Personnel Management, the property and personnel costs of the General Services Administration, and general purpose fiscal assistance to states, localities, the District of Columbia, and U.S. territories.

Senate Resolution

The Senate resolution calls for $18.8 billion in BA and $19.1 billion in outlays for 2008 and $98.6 billion in BA and $98.6 billion in outlays over five years. The Senate resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $406 million to IRS enforcement activities. The Senate resolution includes reserve funds to accommodate legislation to reduce the deficit by reducing improper payments and requiring recovery audits. It also includes a deficit-neutral reserve fund to accommodate legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000. The expiration of this law would have a significant impact on rural communities. The Senate resolution also includes funding for a Commission on Budgetary Accountability and Review of Federal Agencies.

House Amendment

The House amendment reflects a total of $18.6 billion in BA and $19.0 billion in outlays

for 2008 and $99.8 billion in BA and $99.7 billion in outlays over five years. The House amendment includes a program integrity initiative to increase Internal Revenue Service tax compliance efforts to collect unpaid taxes from those who are not paying what they owe. The funding in this function is adequate to provide for the reestablishment of the Office of Technology Assessment. The amendment also includes a deficit-neutral reserve fund to accommodate legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000.

Conference Agreement

The conference agreement includes $18.6 billion in BA and $19.0 billion in outlays for 2008, and $99.7 billion in BA and $99.6 billion in outlays over five years. It fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment (included in Function 920) that directs $406 million to IRS enforcement activities. The conference agreement includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both.

NET INTEREST: FUNCTION 900

Function Summary

The Net Interest function is entirely mandatory with no discretionary components. It consists primarily of the interest paid by the federal government to private and foreign government holders of U.S. Treasury securities. It includes the interest on the public debt after deducting the interest income received by the federal government from trust fund investments, loans and cash balances, and earnings of the National Railroad Retirement Investment Trust.

The Federal government's net interest payments on its debt increased by 48 percent between 2003 and 2006 and is now one of the largest components of the federal budget.

Senate Resolution

The Senate resolution calls for BA and outlays of $255.5 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

House Amendment

The House amendment calls for BA and outlays of $254.6 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

Conference Agreement

The conference agreement includes BA and outlays of $255.7 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

ALLOWANCES: FUNCTION 920

Function Summary

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross several budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget function.

Senate Resolution

The Senate resolution calls for a total of −$16.7 billion in BA and −$7.5 billion in outlays for 2008, and −$46.5 billion in BA and −$38.1 billion in outlays over five years.

House Amendment

The House amendment did not include any spending or cuts in Function 920.

Conference Agreement

The conference agreement includes a total of −$6.4 billion in BA and −$2.2 billion in outlays for 2008, and −$35.2 billion in BA and −$30.0 billion in outlays over five years. These funding levels reflect adjustments for program integrity and other non-security adjustments.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

Function Summary

The Undistributed Offsetting Receipts function includes major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. Examples of such items include the employer share of federal employee retirement benefits, outer continental shelf rents and royalties, and the sale of major assets.

Senate Resolution

The Senate resolution calls for unified undistributed offsetting receipts of −$84.7 billion in BA and outlays for 2008 and −$422.1 billion over five years. That amount generally matches CBO's baseline estimate of undistributed offsetting receipts, with the exception that it assumes −$775 million in 2008 and −$3.1 billion over the 2008–2012 period in additional offsetting receipts from legislation to provide a remedy for errors in certain oil and gas leases.

House Amendment

The House amendment represents CBO's baseline estimate of unified undistributed offsetting receipts of −$83.9 billion in BA and outlays for 2008 and −$419.0 billion over five years.

Conference Agreement

The conference agreement includes a total of unified undistributed offsetting receipts of −$83.9 billion in BA and outlays for 2008 and −$419.0 billion over five years.

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES: FUNCTION 970

Function Summary

This is a new function included in the House amendment, consisting of funding for overseas deployments and other activities.

Senate Resolution

The Senate resolution did not include Function 970.

House Amendment

The House amendment includes the House-passed supplemental for 2007 (H.R. 1591) in Function 970 and, as a placeholder, accommodates up to the President's funding levels for overseas deployments and related activities in 2008 and 2009.

Conference Agreement

The Senate recedes to the House amendment to include Function 970. As a placeholder, the conference agreement's levels accommodate the President's requests for overseas deployments and other activities for 2008 and 2009, as well as the conference agreement for H.R. 1591, the supplemental appropriations bill for 2007 (excluding outyear changes in mandatory programs).

BUDGET ENFORCEMENT

Senate Resolution

Sec. 201. Paygo

Section 201 of the Senate-passed resolution would restore the strong paygo, or pay-as-you-go, rule in the Senate. The paygo rule requires that new mandatory spending and tax cuts be offset or get 60 votes. Reinstating a strong paygo rule represents a crucial first step in restoring fiscal discipline. Paygo was instrumental in our turning deficits into surpluses in the 1990s.

Paygo does not prohibit new mandatory spending or new tax cuts. It simply says that they should be paid for so that the deficit isn't worsened. Paygo ensures that if something is not paid for, it can only pass if it has broad bipartisan support.

The current paygo rule, which expires on September 30, 2008, includes a loophole that exempts all legislation assumed in any budget resolution. The Senate resolution would eliminate this loophole and apply paygo to all new mandatory spending and revenue legislation. It would extend the stronger paygo rule through 2017 and effectively repeal the current, weaker version of the paygo rule. Consistent with ending this loophole, the Senate resolution assumes that all existing balances on the Congressional pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for all time periods.

The Senate resolution also clarifies language in the paygo rule which prohibits any net savings enacted in any bill pursuant to a reconciliation instruction from being made available on the paygo ledger. In 1993, the Senate originally created the paygo rule as a provision in the FY1994 budget resolution (H. Con. Res. 64), specifically for the purpose of preventing the deficit reduction expected to be achieved in a subsequent reconciliation bill from being used to offset the costs of any new mandatory spending or revenue legislation. The Senate resolution restores this original intent, by clarifying that savings enacted in any reconciliation bill shall never be placed on the paygo ledger and used as offsets for another reconciliation bill (even if enacted pursuant to reconciliation instructions in the same budget resolution) or as offsets for any other legislation. For paygo purposes, all net savings enacted pursuant to reconciliation are to be dedicated solely to deficit reduction.

Sec. 202. Point of Order Against Reconciliation Legislation That Would Increase the Deficit or Reduce a Surplus

Section 202 of the Senate resolution creates a new 60-vote point of order against reconciliation measures that would cause or increase an on-budget deficit or decrease an on-budget surplus. Reconciliation is a fast-track process that was intended to be used for deficit reduction. Unfortunately, in recent years the reconciliation process has been abused, as a fast-track means of enacting legislation that has dramatically worsened deficits and increased our debt.

Sec. 203. Point of Order Against Long-Term Deficit Increases

Section 203 of the Senate resolution establishes a 60-vote point of order against legislation that would cause a net deficit increase in excess of $5.0 billion (including changes in revenues and mandatory spending, but excluding debt service) in any of the four ten-year periods 2018–2027, 2028–2037, 2038–2047, or 2048–2057. The provision sunsets at the end of 2017, and effectively repeals the long-term spending point of order in Section 407 of H. Con. Res. 95, the fiscal year 2006 budget resolution conference report.

Sec. 204. Point of Order Against Emergency Designations

Under Section 204 of the Senate resolution, all emergency designations would be subject to an emergency designation point of order, which can only be waived with 60 votes.

Sec. 205. Extension of 60-Vote Enforcement

Section 205 of the Senate resolution extends the current 60-vote enforcement of existing budgetary points of order through 2017.

Sec. 206. Advance Appropriations

Section 206 of the Senate resolution would provide a supermajority point of order against appropriations in fiscal year 2008 bills that would first become effective in any year after fiscal year 2008, and against appropriations in fiscal year 2009 bills that would first become effective in any year after 2009. It does not apply against appropriations for

the Corporation for Public Broadcasting, nor does it apply against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2008 and 2009 of up to $25.2 billion for the following:

Labor, HHS:

Employment and Training Administration

Education for the Disadvantaged

School Improvement

Children and Family Services (Head Start)

Special Education

Vocational and Adult Education

Financial Services and General Government: Payment to Postal Service

Transportation, Housing and Urban Development: Section 8 Renewals

Sec. 207. Discretionary Spending Caps

Currently, there are no discretionary spending limits for any fiscal year. Section 207 of the Senate resolution would strengthen fiscal responsibility by establishing discretionary spending limits for 2007 and 2008, and enforce them with a point of order in the Senate that could only be waived with 60 votes.

Section 207 of the Senate resolution permits adjustments to the discretionary spending limits in 2008 for program integrity initiatives, including Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and unemployment insurance improper payment reviews. It also provides for adjustments in 2008 and 2009 for war-related expenses.

Sec. 208. Inapplicability of Previous Allocations

Because the Senate resolution establishes new discretionary spending limits for 2007 and 2008 and new committee spending allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, Section 208 of the Senate resolution clarifies that the ''deeming'' provisions of last year's emergency supplemental in Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

Sec. 209. Point of Order To Save Social Security First

Section 209 of the Senate resolution creates a 60-vote point of order requiring the President to submit a legislative proposal to Congress and requiring Congress to enact legislation that would ensure the long-term solvency of Social Security, before Congress considers any legislation that would worsen budget deficits and weaken the solvency of Social Security.

Sec. 210. Point of Order Against Legislation That Raises Income Tax Rates

Section 210 of the Senate resolution would create a 60-vote point of order against any legislation that includes a Federal income tax rate increase.

Sec. 211. Circuit Breaker To Protect Social Security

Section 211 of the Senate resolution would create a 60-vote point of order, in any year in which CBO projects an on-budget deficit for the budget year or any subsequent fiscal year, against a budget resolution for that year (and amendments thereto) which would fail to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve on-budget balance within five years. There is an exception during times of war and low economic growth.

Sec. 212. Point of Order—20% Limit on New Direct Spending in Reconciliation Legislation

Section 212 of the Senate resolution would create a 60-vote point of order against provisions of any reconciliation legislation (and provisions of any amendment thereto) that would increase outlays if the effect of all the provisions in any committee's jurisdiction would create gross new direct spending exceeding 20% of the total savings instruction to that committee.

Sec. 213. Point of Order Against Legislation That Raises Income Tax Rates for Small Businesses, Family Farms, or Family Ranches

Section 213 of the Senate resolution would create a 60-vote point of order against legislation that includes a Federal income tax rate increase on incomes generated by small businesses, family farms, or family ranches.

Sec. 214. Point of Order Against Provisions of Appropriations Legislation That Constitute Changes in Mandatory Programs With Net Costs

Section 214 of the Senate resolution would create a 60–vote point of order against provisions of appropriations legislation that would have been estimated as affecting direct spending or receipts were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently-adopted concurrent resolution on the budget.

Sec. 215. Disclosure of Interest Costs

Section 215 of the Senate resolution is a 60–vote point of order against direct spending and revenue legislation that fails to include a CBO estimate of the cost of the debt servicing that would be caused by such legislation.

Sec. 325. Application and Effect of Changes in Allocations and Aggregates

Section 325 of the Senate resolution details the adjustment procedures required to accommodate legislation provided for in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 326. Adjustments To Reflect Changes in Concepts and Definitions

Section 326 of the Senate resolution requires the chairman of the Committee on the Budget to adjust levels and allocations in this resolution upon enactment of legislation that changes concepts or definitions.

Sec. 327. Exercise of Rulemaking Powers

Section 327 of the Senate resolution provides that, once adopted, the provisions of the resolution are incorporated into the rules of the Senate and shall supersede inconsistent rules. The section recognizes the constitutional right of the Senate to change those rules at any time.

House Amendment

Sec. 301. Program Integrity Initiatives

Section 301 of the House amendment provides for specific allocation adjustments for the Committee on Appropriations when the Committee reports legislation that includes increased appropriations for the following four program integrity initiatives: (1) continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration; (2) improved compliance with the provisions of the Internal Revenue Code; (3) the Health Care Fraud and Abuse Control program at the Department of Health and Human Services; and (4) unemployment insurance improper payment reviews.

The adjustments under this section are intended to do no more than provide additional administrative funding for current program integrity activities to eliminate errors or fraud in the operation of a number of federal programs and compliance with federal tax laws. For example, the adjustment for unemployment compensation programs is provided to increase limited administrative funding for current program integrity activities, and not to finance other proposals that would adversely affect workers who have received unemployment benefits.

The section outlines procedures for these allocation adjustments. In addition, the section directs committees of the House of Representatives to include recommendations for improved governmental performance in views and estimates submitted to the Committee on the Budget pursuant to section 301(d) of the Congressional Budget Act.

Sec. 302. Advance Appropriations

Section 302 of the House amendment limits the amount and type of advance appropriations for 2009 and 2010. Under this section, advance appropriations for 2009 or 2010 are restricted to $25.6 billion for programs, projects, activities, or accounts identified in the joint explanatory statement of managers that will accompany this resolution. This total reflects an increase of $2.0 billion over the previous limit. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for 2008 that first becomes available for any fiscal year after 2008.

Sec. 303. Overseas Deployments and Emergency Needs

Section 303 of the House amendment establishes a procedure whereby provisions or measures reported by the Committee on Appropriations will be exempt from the restrictions under titles III and IV of the Congressional Budget Act of 1974. The exemption will apply if: (1) the Committee determines and designates that amounts appropriated are necessary for overseas deployments and related activities; or, (2) the Committee provides nondefense discretionary appropriations and designates those amounts as necessary to meet emergency needs.

Sec. 304. Application and Effect of Changes in Allocations and Aggregates

Section 304 of the House amendment details the allocation and aggregate adjustment procedures that are required to accommodate legislation for the reserve funds and program integrity initiatives in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this budget resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 305. Adjustments To Reflect Changes in Concepts and Definitions

Section 305 of the House amendment requires the chairman of the Committee on the Budget to adjust levels and allocations in this budget resolution upon enactment of legislation that changes concepts or definitions.

Sec. 306. Compliance With Section 13301 of the Budgetary Enforcement Act of 1990

Section 306 of the House amendment provides that administrative expenses of the Social Security Administration shall be part of the annual appropriations process by including those expenses in the Committee on Appropriations' allocation pursuant to Section 302 of the Congressional Budget Act.

Sec. 307. Exercise of Rulemaking Powers

Section 307 of the House amendment provides that, once adopted, the provisions of the budget resolution are incorporated into the rules of the House of Representatives and shall supersede inconsistent rules. The section recognizes the constitutional right of the House of Representatives to change those rules at any time.

Conference Agreement

In January, the House of Representatives adopted the first-ever House of Representatives pay-as-you-go (paygo) rule—specifying that any legislative changes to mandatory spending or revenues would have to be done in a deficit-neutral way. Given the serious long-term fiscal challenges including a growing burden of national debt facing our nation, a rigorous enforcement of paygo is especially critical. The House has aggressively enforced the paygo requirement since its passage, and in this resolution the House and Senate reaffirm a commitment to a strict enforcement of the pay-as-you-go rules. The House's commitment to paygo is also reinforced by the tough trigger mechanism contained in Section 321 of the conference agreement and further described in Section 321 of this Statement of Managers.

The following are the concrete steps the conference report takes to reinforce and extend this commitment to fiscal responsibility:

First, Section 201 of the conference report toughens the Senate paygo rule, restoring it to the form that existed in the 1990s. This session of Congress will mark the first time ever that both the House and the Senate will be governed by internal rules implementing the pay-as-you-go principle. To ensure that these rules are more effectively enforced, the Senate paygo rule included in this resolution matches the enforcement windows established in the House rule.

Second, Section 508 of the conference report expresses Congress's commitment to an additional paygo enforcement mechanism: reinstating the statutory paygo rule that was in place in the 1990s and that is widely credited with helping bring the budget from then-record deficits in the early 1990s to the budget surpluses achieved by the end of that decade. Because the conference agreement is a concurrent resolution, separate legislation will be required to implement this policy, but the conference report gives this policy a strong and clear endorsement.

Third, Section 203 of the conference report contains a Senate point of order that would be imposed against legislation that has a significant deficit impact in any of the four decades (2018–2057) following the ten-year period covered by the House and Senate paygo rules.

Fourth, Section 321 of the conference report includes a House trigger mechanism to ensure that legislation is fiscally responsible or faces a second procedural hurdle in the House in addition to the paygo rule.

In all, this conference report implements policies and rules consistent with fiscal responsibility and the pay-as-you-go principle, ensuring that they apply to the actions of the entire Congress. The goal is to bring the budget back to balance, something that this conference report achieves in 2012.

Sec. 201. Pay-As-You-Go Point of Order in the Senate

In Section 201 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 201 of the Senate resolution, the paygo point of order in the Senate, with a technical amendment to enforce points of order over two time periods: (1) the period of the current fiscal year, the budget year, and the total of the ensuing four fiscal years following the budget year, and (2) the period of the current fiscal year, the budget year, and the total of the ensuing nine fiscal years following the budget year. These are the time periods for which paygo is enforced in the House.

As in the past, the paygo rule embodied in Section 201 of the conference agreement requires that new mandatory spending and tax cuts be offset or get 60 votes to waive the point of order. Section 201 strengthens paygo enforcement by eliminating a loophole that previously exempted from the point of order all deficit increases assumed in any budget resolution. Under Section 201, paygo will be applied to all new mandatory spending and revenue legislation that would worsen the deficit in either of the two relevant time periods. It would extend this stronger paygo rule through 2017 and effectively repeal the current, weaker version of the paygo rule.

Consistent with ending this loophole, the Senate resolution assumes that all existing balances on the Congressional pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for all time periods.

Section 201 of the conference agreement also clarifies language in the paygo rule which prohibits any net savings enacted in any bill pursuant to a reconciliation instruction from being made available on the paygo ledger. In 1993, the Senate originally created the paygo rule as a provision in the FY1994 budget resolution (H. Con. Res. 64), specifically for the purpose of preventing the deficit reduction expected to be achieved in a subsequent reconciliation bill from being used to offset the costs of any new mandatory spending or revenue legislation. Section 201 of the conference agreement restores this original intent, by clarifying that savings enacted in any reconciliation bill shall never be placed on the paygo ledger and used as offsets for another reconciliation bill (even if enacted pursuant to reconciliation instructions in the same budget resolution) or as offsets for any other legislation. For paygo purposes, all net savings enacted pursuant to reconciliation are to be dedicated solely to deficit reduction.

Sec. 202. Senate Point of Order Against Reconciliation Legislation That Would Increase the Deficit or Reduce a Surplus

The Senate insists on, and the House recedes from its disagreement with, Section 202 of the Senate resolution, with a technical amendment to enforce the point of order over two time periods: (1) the period of the current fiscal year, the budget year, and the total of the ensuing four fiscal years following the budget year, and (2) the period of the current fiscal year, the budget year, and the total of the ensuing nine fiscal years following the budget year. Section 202 creates a new point of order against reconciliation measures that would cause or increase an on-budget deficit or decrease an on-budget surplus. It can be waived with 60 votes.

Sec. 203. Senate Point of Order Against Legislation Increasing Long-Term Deficits

The Senate insists on, and the House recedes from its disagreement with, Section 203 of the Senate resolution. It establishes a point of order in the Senate against legislation that would cause a net deficit increase in excess of $5.0 billion (including changes in revenues and mandatory spending, but excluding debt service) in any of the four ten-year periods 2018–2027, 2028–2037, 2038–2047, or 2048–2057. The point of order can be waived with 60 votes. The provision sunsets at the end of fiscal year 2017, and effectively repeals the long-term spending point of order in Section 407 of H. Con. Res. 95, the fiscal year 2006 budget resolution conference report.

Sec. 204. Emergency Legislation

In subsection (a) of Section 204 of the conference agreement, which applies only in the Senate, the Senate insists on Section 204 of the Senate resolution with an amendment. Under Section 204(a), emergency designations will be subject to an emergency designation point of order in the Senate, which can be waived with 60 votes. The amendment deleted an exception adopted to the Senate resolution in Amendment 534 offered by Senator DeMint.

In subsection (b) of Section 204 of the conference agreement, which applies only in the House, the House recedes from its position in Section 303 of the House amendment and concurs with a further amendment, and the Senate agrees to the same. In the House, discretionary appropriations that are designated as emergencies shall not count for the purposes of Titles III and IV of the Congressional Budget Act of 1974. In the House, any provisions designated as emergencies under rules in effect for 2007 will be accommodated under Section 204 in this resolution.

Sec. 205. Extension of Enforcement of Budgetary Points of Order in the Senate

In Section 205 of the conference agreement, which applies only in the Senate, the Senate insists on Section 205 of the Senate resolution with an amendment, and the House agrees to the same. Section 205 extends 60–vote enforcement of budgetary points of order in the Senate, other than those pursuant to Sections 425 and 303 of the Budget Act, through 2017.

Sec. 206. Point of Order Against Advance Appropriations

In subsection (a) of Section 206 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 206 of the Senate resolution. It provides a supermajority point of order in the Senate against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2008, and against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2009. It does not apply against appropriations for the Corporation for Public Broadcasting, nor does it apply against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2008 and 2009 of up to $25.2 billion for the following:

Accounts identified for Advance Appropriations in the Senate

Labor, HHS:
- Employment and Training Administration
- Education for the Disadvantaged
- School Improvement
- Children and Family Services (Head Start)
- Special Education
- Vocational and Adult Education

Financial Services and General Government:
Payment to Postal Service Transportation,

Housing and Urban Development: Section 8 Renewals

In subsection (b) of Section 206 of the conference agreement, which applies only in the House, the House insists on Section 302 of the House amendment. It defines advance appropriations, and restricts advance appropriations for fiscal years 2009 or 2010 to a total of $25.6 billion for the following accounts:

Accounts Identified for Advance Appropriations in the House

Advance Appropriations for Fiscal Year 2009

Employment and Training Administration
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Vocational and Adult Education
Payment to Postal Service
Section 8 Renewals

Advance Appropriations for Fiscal Year 2010

Corporation for Public Broadcasting

Sec. 207. Discretionary Spending Limits, Program Integrity Initiatives, and Other Adjustments

In subsection (a), (b), and (c) of Section 207 of the conference agreement, which apply only in the Senate, the Senate insists on Section 207 of the Senate resolution with an amendment in the nature of a substitute. Currently, there are no discretionary spending limits for any fiscal year. Section 207 will strengthen fiscal responsibility by establishing discretionary spending limits in the Senate for fiscal years 2007 and 2008, and enforce them with a Senate point of order that can only be waived with 60 votes. It permits adjustments to the discretionary spending limits in the Senate for fiscal year 2008 for program integrity initiatives, including Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

In subsection (d) of Section 207 of the conference agreement, which applies only in the House, the House insists on Section 301 of the House amendment with an amendment. The House amendment provides for several program integrity adjustments for 2008 in the same areas as in the Senate resolution, including for Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for the Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

The conference agreement allows for adjustments to be made to the discretionary spending limits in the Senate, aggregates, and 302(a) allocations of the House and Senate Appropriations Committees up to the total budget authority shown in Section 103 (21) for overseas deployments and related activities (and the new outlays flowing therefrom). In the Senate, if additional funding is required beyond the level specified in Section 103 (21), such funding would be provided pursuant to Section 204. In the House, if additional appropriations are required beyond this level, and such additional amounts are specifically designated as necessary for overseas deployments and related activities, then new budget authority, outlays or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

Subsection (e) of Section 207 of the conference agreement, which applies in the House and Senate, directs all House and Senate Committees to include recommendations for improved governmental performance in the views and estimates that they submit to the respective Committees on the Budget under section 301(d) of the Congressional Budget Act.

Subsection (f) of Section 207 of the conference agreement, which applies in both the House and Senate, allows adjustments to the levels and limits in this resolution to reflect differences between the levels assumed in this resolution and the levels that may ultimately be enacted in 2007 supplemental appropriations legislation currently under consideration in Congress. Similar language was included in the conference report on the fiscal year 2004 budget resolution (H. Con. Res. 95, 108th Congress) regarding 2003 supplemental appropriations.

Sec. 208. Inapplicability of Previous Allocations in the Senate

In Section 208 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 208 of the Senate resolution. Because this concurrent resolution on the budget for fiscal year 2008 establishes new discretionary spending limits for fiscal years 2007 and 2008 and new committee spending allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, Section 208 of the Senate resolution clarifies that the ''deeming'' provisions of last year's emergency supplemental in Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

Sec. 209. Senate Point of Order Against Provisions of Appropriations Legislation That Constitute Changes in Mandatory Programs With Net Costs

In Section 209 of the conference agreement, which applies only in the Senate, the Senate insists on Section 214 of the Senate resolution with a substitute, and the House agrees to the same. Section 209 would create a 60–vote point of order against provisions of appropriations legislation constituting Changes in Mandatory Programs (ChIMPs) that would have been estimated as affecting direct spending or receipts were they included in legislation other than appropriations legislation, if all three of the following conditions are met:

(1) the provision would increase BA in—

(a) at least one of the nine fiscal years that follow the budget year, and

(b) over the period of the total of the budget year and the nine fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the nine fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the nine fiscal years following the budget year.

The point of order does not apply against legislation making supplemental appropriations for fiscal year 2007. Nor does it apply against any ChIMPs that were enacted in each of the three fiscal years prior to the budget year (including those done as a result of the year-long funding resolution enacted for 2007). The point of order works like the Byrd rule in that it applies against individual provisions of legislation rather than against an entire bill, amendment, or conference report. If the point of order is not waived then the offending provision is stricken.

Sec. 210. Compliance With Section 13301 of the Budget Enforcement Act of 1990

In Section 210 of the conference agreement, the House recedes from its position in Section 306 of the House amendment and concurs with a further amendment, and the Senate agrees to the same. Subsection (a) of Section 210 applies in both the House and Senate. Subsection (b) of Section 210 applies only in the House.

Sec. 211. Application and Effect of Changes in Allocations and Aggregates

In Section 211 of the conference agreement, the House insists on, and the Senate recedes from its disagreement with, Section 304 of the House amendment.

Sec. 212. Adjustments to Reflect Changes in Concepts and Definitions

In Section 212 of the conference agreement, the House insists on, and the Senate recedes from its disagreement with, Section 305 of the House amendment.

Sec. 213. Exercise of Rulemaking Powers

In Section 213 of the conference agreement, the House recedes from its position in Section 307 of the House amendment and concurs with a further amendment, and the Senate agrees to the same.

RESERVE FUNDS

Senate Resolution

Sec. 301. Deficit-Neutral Reserve Fund for SCHIP Legislation

Section 301 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $20.0 billion for SCHIP reauthorization legislation of up to $50.0 billion, so long as the legislation is deficit-neutral over the total of 2007–2012.

Sec. 302. Deficit-Neutral Reserve Fund for Care of Wounded Service Members

Section 302 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that improves the medical care of or disability benefits for wounded or disabled military personnel or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation), including improvements to the physical disability evaluation system of the Department of Defense to expedite the claims process, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 303. Deficit-Neutral Reserve Fund for Tax Relief

Section 303 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of tax relief legislation, including refundable tax relief and extensions of expiring tax relief, such as enhanced charitable giving from IRAs and the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional five years, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 304. Deficit-Neutral Reserve Fund for Comparative Effectiveness Research

Section 304 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to establish a new federal or public-private initiative for comparative effectiveness research, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 305. Deficit-Neutral Reserve Fund for Higher Education

Section 305 of the Senate resolution allows the Chairman of the Budget Committee to

revise the levels in the resolution for legislation—including tax legislation—that would make higher education more accessible and affordable, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 306. Deficit-Neutral Reserve Fund for the Farm Bill

Section 306 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $15.0 billion for legislation which is deficit-neutral over the total of 2007–2012 that would do one or more of the following: reauthorize the Food Security and Rural Investment Act of 2002; strengthen agriculture and rural economies and critical nutrition programs; provide agriculture-related tax relief and rural development investment incentives for counties impacted by high rates of out-migration; or improve the environment by reducing dependence on foreign sources of energy through expanded production and use of alternative fuels. This section anticipates that the Farm Bill will ultimately be comprised of titles from more than one committee, and would therefore allow the Chairman to revise multiple committee allocations, and revenue and spending aggregates, to accommodate the legislation.

Sec. 307. Deficit-Neutral Reserve Fund for Energy Legislation

Section 307 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation—including tax legislation—that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency; provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 308. Deficit-Neutral Reserve Fund for Medicare

Section 308 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for:

Prescription drug price negotiation legislation under Medicare Part D, to repeal the non-interference clause in Section 1860D–11(i)(1) of the Social Security Act, while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that the legislation is deficit-neutral over 2007–2012 and that all savings from the measure must be used either to improve the Part D benefit or to reduce the deficit;

Legislation to increase the reimbursement rate for physician services under Medicare Part B and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, provided that it is deficit-neutral over 2007–2012; and

Legislation making improvements of up to $5.0 billion to the prescription drug benefit under Medicare Part D, so long as the legislation is deficit-neutral over 2007–2012.

Sec. 309. Deficit-Neutral Reserve Fund for Small Business Health Insurance

Section 309 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that makes health insurance coverage more affordable or available to small businesses and their employees, without weakening rating rules or reducing covered benefits, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 310. Deficit-Neutral Reserve Fund for County Payments

Section 310 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $440 million in 2008 and up to $2.2 billion over the total of 2008–2012 for county payments legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000, provided the legislation is deficit-neutral over the total of 2007–2012. The expiration of this law would have a significant impact on rural communities.

Sec. 311. Deficit-Neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

Section 311 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a continuing federal role in ensuring that terrorism risk insurance remains available after the expiration of the Terrorism Risk Insurance Extension Act, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 312. Deficit-Neutral Reserve Fund for Affordable Housing

Section 312 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would establish an affordable housing fund financed by the housing government-sponsored enterprises, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 313. Deficit-Neutral Reserve Fund for Receipts From Bonneville Power Administration

Section 313 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that prohibits the Bonneville Power Administration from making early payments on its federal bond debt, provided the legislation is deficit-neutral over the total of 2007–2012. The proposal in the President's budget would have a detrimental impact on electricity rates in the Northwest.

Sec. 314. Deficit-Neutral Reserve Fund for Indian Claims Settlement

Section 314 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide a statutory settlement for Indian trust fund litigation involving the accounting and management of individual Indian trust monies and assets, including the Cobell v. Kempthorne litigation, as well as provisions to offset the cost of the settlement, provided that the legislation is deficit-neutral over the total of 2007–2012.

Sec. 315. Deficit-Neutral Reserve Fund for Food and Drug Administration

Section 315 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for certain legislation affecting the regulatory authority of the Food and Drug Administration (FDA) and authorizing the assessment of user fees, provided that the legislation is deficit-neutral over the total of 2007–2012.

Sec. 316. Deficit-Neutral Reserve Fund for Health Care Reform

Section 316 of the Senate resolution provides that if an SCHIP bill is enacted, the Chairman of the Budget Committee may revise the levels in the resolution for legislation to improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 317. Deficit-Neutral Reserve Fund for Enhancement of Veterans' Benefits

Section 317 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to enhance benefits for veterans, including GI educational benefits and services for low-vision and blinded veterans, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 318. Deficit-Neutral Reserve Fund for Long-Term Care

Section 318 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to improve long-term care, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 319. Deficit-Neutral Reserve Fund for Health Information Technology

Section 319 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation providing incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, and for legislation providing for payments based on adherence to accepted clinical protocols identified as best practices, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 320. Deficit-Neutral Reserve Fund for Child Care

Section. 320 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide up to $5.0 billion to States for child care, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 321. Deficit-Neutral Reserve Fund for Comprehensive Immigration Reform

Section 321 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for comprehensive immigration reform legislation, provided the legislation is deficit-neutral in 2008 and over the total of 2008–2012.

Sec. 322. Deficit-Neutral Reserve Fund for Mental Health Parity

Section 322 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, provided the legislation is deficit-neutral in 2008 and over the total of 2008–2012.

Sec. 323. Deficit-Neutral Reserve Fund for Preschool Opportunities

Section 323 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide assistance to States for offering or expanding preschool to children of low-income families, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 324. Deficit-neutral Reserve Fund for the Safe Importation of FDA-Approved Prescription Drugs

Section 324 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to permit the safe importation of prescription drugs approved by the FDA from a specified list of countries, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 328. Deficit-Neutral Reserve Fund for Expansion of Above-the-Line Deduction for Teacher Classroom Supplies

Section 328 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to permanently extend and increase to

$400 the above-the-line deduction for teacher classroom supplies and expand the deduction to include qualified professional development expenses, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 329. Adjustment for Smithsonian Institution Salaries and Expenses

Section 329 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation appropriating up to $17 million for 2008 if the Comptroller General makes certain certifications to Congress regarding the Smithsonian Institution.

Sec. 330. Deficit-Reduction Reserve Fund for Reduction of Improper Payments

Section 330 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that achieves savings by eliminating or reducing improper payments by agencies and uses such savings to reduce the deficit, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 331. Deficit-Neutral Reserve Fund for Extension of the Deduction for State and Local Sales Taxes

Section 331 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would extend the deduction for State and local sales taxes, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 332. Deficit-Neutral Reserve Fund for Extension of Certain Energy Tax Incentives

Section 332 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would extend energy tax incentives through 2015, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 333. Reserve Fund To Provide Additional Training for Physicians and Attract More Physicians in States That Face a Shortage of Physicians in Training

Section 333 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide additional training for physicians and attract more physicians in States with a shortage of physicians in training, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 334. Deficit-Neutral Reserve Fund for Repeal of the 1993 Increase in the Income Tax on Social Security Benefits

Section 334 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the 1993 increase in the income tax on Social Security benefits, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 336. Deficit-Neutral Reserve Fund for Eliminating Military Retirement and Disability Offset

Section 336 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 337. Deficit-Neutral Reserve for Asbestos Reform Legislation

Section 337 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for asbestos reform legislation, provided the legislation would not increase the deficit over the total of 2007–2057.

Sec. 338. Deficit-Neutral Reserve Fund for Manufacturing Initiatives

Section 338 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation, including tax legislation, that would revitalize the United States manufacturing sector, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 339. Deficit-Reduction Reserve Fund for Increased Use of Recovery Audits

Section 339 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that achieves savings by requiring that agencies increase their use of recovery audits and use such savings to reduce the deficit, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 340. Deficit-Neutral Reserve Fund for a Delay in the Implementation of a Proposed Rule Relating to the Federal-State Financial Partnerships Under Medicaid and SCHIP

Section 340 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a delay in the implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and SCHIP, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 341. Reserve Fund To Improve the Health Care System

If the Finance Committee is within its 302(a) allocation, Section 341 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation reported by the Finance Committee that creates a framework for using Medicare data to evaluate health care, if it protects privacy and prevents disclosure of proprietary or trade secret information, provided the legislation would not increase the deficit in 2008 or over the total of 2008–2012.

Sec. 342. Reserve Fund to Improve Medicare Hospital Payment Accuracy

If the Finance Committee is within its 302(a) allocation, Section 342 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation reported by the Finance Committee to improve Medicare hospital payment accuracy, provided the legislation would not increase the deficit over the total of 2008–2012.

Sec. 343. Deficit-Neutral Reserve Fund to Improve Health Insurance

Section 343 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to improve health insurance, provided the legislation would not increase the deficit over the total of 2007–2012.

House Amendment

Sec. 201. Reserve Fund for the State Children's Health Insurance Program

The reserve fund accommodates the Committee on Energy and Commerce reporting legislation of up to $50.0 billion in additional outlays to improve children's health through reauthorization of the State Children's Health Program (SCHIP) as long as the authorizing legislation placed before the House complies with the pay-as-you-go principle. These additional resources will sustain current caseloads, expand coverage, and reduce the number of uninsured children. Of the over nine million uninsured children in this nation, around six million are eligible for SCHIP or Medicaid but do not receive coverage.

Sec. 202. Reserve Fund for Reform of the Alternative Minimum Tax

The reserve fund for Alternative Minimum Tax (AMT) relief accommodates legislation that reforms the tax code to shield middle-income families from the AMT as long as it adheres to the pay-as-you-go principle. Without reform, the number of taxpayers subject to the AMT will rise from 4.2 million in 2006 to 23.2 million in 2007 and to 25.7 million in 2008, according to the Joint Committee on Taxation.

Sec. 203. Reserve Fund to Provide for Middle-Income Tax Relief and Economic Equity

The reserve fund for middle-income tax relief supports legislation to reduce tax burdens on middle-income families and taxpayers that complies with the pay-as-you-go principle. This includes legislation such as the extension of the 10 percent individual income tax rate, marriage penalty relief, the child tax credit, the research and experimentation tax credit, the deduction for small business expensing, and the deduction for State and local sales taxes. It also accommodates elimination of estate taxes on all but a minute fraction of estates, and a tax credit for school construction.

Sec. 204. Reserve Fund for Agriculture

The reserve fund accommodates legislation that reauthorizes the Farm Security and Rural Investment Act of 2002 (Public Law 107–171) or prior farm support acts, or authorizes similar programs, or both, to the extent that such legislation complies with the pay-as-you-go principle. The section also provides for an increase in budget authority up to $20.0 billion over six years (2007–2012) above the Congressional Budget Office's current estimate of spending for these programs if the funding increases are appropriately offset. The resolution allows for the House to continue to address a number of priorities, such as maintaining a strong farm safety net for our nation's agricultural producers; delivering natural resource conservation measures on private lands; investing in energy research; and rural development projects that strengthen our rural economies; and enhancing food nutrition assistance to help fight hunger. The reserve fund could also facilitate a new Farm Bill that provides enhanced conservation, research, and marketing assistance to crops that have not received traditional commodity support.

Sec. 205. Reserve Fund for Higher Education

The reserve fund accommodates reforms to the student loan programs that increase benefits to students, consistent with the pay-as-you-go principle adopted by the House. The Higher Education Act is scheduled to be reauthorized this year, and this reserve fund will provide committees maximum flexibility in finding offsets to make college more affordable for students.

Sec. 206. Reserve Fund for Improvements in Medicare

The reserve fund accommodates additional mandatory spending for Medicare program improvements such as increasing the Medicare reimbursement rate for physicians while holding beneficiaries harmless from associated premium increases, as long as the legislation is consistent with the House pay-as-you-go principle. Current law calls for Medicare payment rates to physicians to be cut by nearly 40 percent over the next eight years. The House supports Federal investments in health information technology that will improve the quality and efficiency of not only Medicare, but also the health sector as a whole. Another possible area for program improvement is the Part D prescription drug benefit.

Sec. 207. Reserve Fund for Creating Long-Term Energy Alternatives

The reserve fund accommodates legislation consistent with H.R. 6 that invests in renewable or alternative energy resources, promotes new emerging energy technologies, or develops greater energy efficiency, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 208. Reserve Fund for Affordable Housing

The reserve fund accommodates legislation that creates an affordable housing fund, offset by savings from reforming the regulation of certain government-sponsored entities, such as Fannie Mae and Freddie Mac, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 209. Reserve Fund for Equitable Benefits for Filipino Veterans of World War II

The reserve fund accommodates additional mandatory spending to provide equitable benefits for all Filipino veterans of World War II and their survivors and dependents, consistent with the pay-as-you-go principle. Most Filipino veterans who fought alongside American troops, and their families, are currently not eligible for equitable federal benefits.

Sec. 210. Reserve Fund for Secure Rural Schools and Community Self-Determination Act Reauthorization

The reserve fund accommodates any legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393), to the extent that such legislation complies with the pay-as-you-go principle. That law provides economic assistance for roads and schools in rural communities affected by the loss of receipts from sales on federal lands in their communities. The assistance is intended to compensate local governments for the tax-exempt status of the national forests and other federal lands.

Sec. 211. Reserve Fund for Receipts from the Bonneville Power Administration

The resolution includes a reserve fund to accommodate legislation to reject the Administration's acceleration of Bonneville Power Administration's (BPA) debt repayment and to prohibit BPA from applying secondary sales revenue in excess of $500 million towards additional federal debt repayment, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 212. Reserve Fund for Transitional Medical Assistance

The reserve fund accommodates extension of Transitional Medical Assistance (TMA) through 2008, as long as it complies with the pay-as-you-go principle. TMA provides temporary Medicaid assistance for families transitioning to the workforce.

Conference Agreement

Sec. 301. Deficit-Neutral Reserve Fund for SCHIP Legislation

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 301 of the Senate resolution with an amendment. This subsection applies only in the Senate. Subsection (b) retains the language of Section 201 of the House amendment with an amendment. This subsection applies only in the House.

Sec. 302. Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

The House recedes to the Senate with an amendment which incorporates Sections 302, 317, and 336 of the Senate resolution as well as Section 209 of the House amendment. The combined reserve fund would accommodate legislation consistent with the pay-as-you-go principle that improves services and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents, which may include enhancing medical care and disability benefits, expanding eligibility to receive both disability compensation and retired pay (for combat-disabled retirees), eliminating the offset between survivor benefit annuities and dependency and indemnity compensation, improving disability evaluations, enhancing educational benefits, or increasing benefits to Filipino veterans of World War II and their survivors and dependents.

Sec. 303. Deficit-Neutral Reserve Fund for Tax Relief

In subsection (a) of Section 303 of the conference agreement, which applies only in the Senate, the Senate insists on Section 303 of the Senate resolution with an amendment. In subsection (b) of Section 303 of the conference agreement, which applies only in the House, the House insists on Sections 202 and 203 of the House amendment with an amendment.

Sec. 304. Deficit-Neutral Reserve Fund for Medicare Improvements

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 206 of the House amendment. This subsection applies only in the House of Representatives. Subsection (b) retains the language of Section 308 and Section 342 of the Senate resolution. This subsection applies only in the Senate. Subsection (c) retains the language of Section 333 of the Senate resolution with an amendment. This subsection applies in the Senate and in the House of Representatives.

Sec. 305. Deficit-Neutral Reserve Fund for Health Care Quality, Effectiveness, Efficiency, and Transparency

The House recedes to the Senate with an amendment. Subsection (a) retains the language of Section 319 of the Senate resolution with an amendment. This subsection applies in the Senate and in the House of Representatives. Subsection (b) retains the language of Section 304 of the Senate resolution. This subsection applies in the Senate and in the House of Representatives. Subsection (c) retains the language in Section 341 of the Senate resolution. This subsection applies in the Senate only.

Sec. 306. Deficit-Neutral Reserve Fund for Higher Education

The House recedes to the Senate with a substitute. The reserve funds for higher education in the House and Senate have identical goals and the identical effect of accommodating deficit-neutral legislation to make higher education more accessible and more affordable. The conference agreement could facilitate legislation that would enhance benefits for post-secondary students, including, but not limited to, reductions in interest rates on student loans, significant increases in grant aid for students, or tax benefits.

Sec. 307. Deficit-Neutral Reserve Fund for the Farm Bill

The Senate recedes to the House with a substitute. Section 307 provides for an increase in budget authority of up to $20.0 billion over six years (2007–2012) if the funding increases are appropriately offset. Subsection (a) retains the language of Section 306 in the Senate resolution with an amendment. This subsection applies only in the Senate. Subsection (b) retains the language of Section 204 in the House resolution. This subsection applies only in the House.

Sec. 308. Deficit-Neutral Reserve Fund for Energy Legislation

The House recedes to the Senate with a substitute. Section 308 of the conference agreement is a deficit-neutral energy reserve fund with two parts. Subsection (a) combines language similar to the reserve funds included in Section 307 and Section 332 of the Senate resolution and would apply only to the Senate. This subsection allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations. Subsection (b) is similar to Section 207 of the House amendment and would apply only to the House.

Sec. 309. Deficit-Neutral Reserve Fund for County Payments Legislation

The Senate recedes to the House with an amendment. The amendment clarifies that the reserve fund could accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both. The reserve fund would accommodate deficit-neutral legislation in the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 310. Deficit-Neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

The House recedes to Section 311 of the Senate resolution with a technical amendment to accommodate legislation in the House and Senate consistent with House and Senate pay-as-you-go rules. The reserve fund accommodates legislation in both bodies for a continuing federal role in ensuring that terrorism risk insurance remains available after the expiration of the Terrorism Risk Insurance Act.

Sec. 311. Deficit-Neutral Reserve Fund for Affordable Housing

The House recedes to Section 312 of the Senate resolution with a technical amendment to accommodate legislation in the House and Senate consistent with House and Senate pay-as-you-go rules. The reserve fund accommodates legislation in both bodies to establish an affordable housing fund financed by housing government-sponsored enterprises.

Sec. 312. Deficit-Neutral Reserve Fund for Receipts from Bonneville Power Administration

The House recedes to Section 313 of the Senate resolution with a substitute. The reserve fund included in Section 312 of the conference agreement is similar to the language included in both the House and Senate budget resolutions. The reserve fund would accommodate deficit-neutral legislation in the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 313. Deficit-Neutral Reserve Fund for Indian Claims Settlement

The House recedes to Section 314 of the Senate resolution with an amendment to accommodate similar House legislation and, as in the Senate, provisions to ensure its cost is offset.

Sec. 314. Deficit-Neutral Reserve Fund for Improvements in Health

The House recedes to the Senate with an amendment which incorporates Sections 318 and 322 of the Senate resolution. The conference agreement consolidates Sections 309, 316, and 343 of the Senate resolution into two subsections, 314(a) and 314(b), with amendments. This reserve fund applies in the Senate and in the House of Representatives.

Sec. 315. Deficit-Neutral Reserve Fund for Child Care

The House recedes to Section 320 of the Senate resolution with an amendment to accommodate similar legislation in the House.

Sec. 316. Deficit-Neutral Reserve Fund for Immigration Reform

The House recedes to Section 321 of the Senate resolution with an amendment. This reserve fund applies only in the Senate.

Sec. 317. Deficit-Reduction Reserve Fund

The House recedes to the Senate with an amendment. The amendment combines reserve funds included in Section 330 and Section 339 of the Senate resolution. Section 317 applies to both the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 318. Deficit-Neutral Reserve Fund for Manufacturing Initiatives in the Senate

The Senate insists on Section 338 of the Senate resolution, which applies only in the Senate, with an amendment.

Sec. 319. Deficit-Neutral Reserve Fund for the Food and Drug Administration in the Senate

Section 319 of the conference agreement consists of two subsections, 319(a) and 319(b). Subsection (a) allows the Chairman of the Senate Budget Committee to revise the levels in the resolution for legislation authorizing the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of these products to cover the cost of the Food and Drug Administration's regulatory activities. Subsection (b) retains the language of Section 324 of the Senate resolution. The reserve fund applies only to the Senate.

Sec. 320. Deficit-Neutral Reserve Fund for Medicaid

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 340 of the Senate resolution with an amendment. Subsection (b) accommodates legislation for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals. Subsection (c) retains the language of Section 212 of the House amendment with an amendment. This reserve fund applies in the Senate and in the House of Representatives.

Sec. 321. House Reserve Fund Adjustment for Revenue Measures

Section 321 of the conference agreement creates a reserve fund to consider any revenue measure (including a conference report) in the House. It applies to bills that would reduce revenues below the sum of aggregate revenue levels for a five-year period as measured against the Congressional Budget Office baseline for the most recent concurrent resolution of the budget. The revenue measure can only become effective upon certification by the Secretary of the Treasury and the Director of the Office of Management and Budget that the reduction in revenues due to the measure for the period comprising fiscal years through 2012 will not exceed the lesser of $179.8 billion or 80 percent of the fiscal year 2012 unified budget surplus, as estimated by them within six months prior to the first day of the first taxable year affected, said taxable year in no case earlier than 2010. If this provision is not included, the Chairman of the House Budget Committee will adjust aggregate revenue levels in the resolution to create a point of order in the House against the measure under Section 311 of the Budget Act. The Chairman would readjust the levels upon disposition of any measure considered in violation of this section. This point of order would be in addition to a House paygo point of order, which lies against any bill that is not deficit-neutral, notwithstanding any other provisions of this conference agreement.

Any measure, including a conference report, decreasing total revenues, would have the point of order against it in the House, unless it contains a provision consistent with the following:

''None of the provisions of this Act or amendments made by it, shall have legal force or effect unless within six months prior to the first day of the first taxable year affected, said taxable year in no case earlier than 2010, the Secretary of the Treasury and the Director of the Office of Management and Budget project a unified budget surplus for the fiscal year 2012, estimate the budgetary impact of this Act, and certify by issuance of a joint communication, to be published in the Federal Register, that the estimated reduction in revenues for the period comprising fiscal years through 2012 resulting from this Act (including amendments made by this Act) will not exceed the lesser of $179.8 billion or 80 percent of the projected fiscal year 2012 unified budget surplus.''

Section 321 is a reserve fund that applies in the House only. It does not apply in the Senate. Its inclusion in this conference report, and the inclusion of the above language by the House of Representatives in this joint statement regarding the operation of this section in the House, is not to be construed as setting any procedural precedent in the Senate and does not reflect the Senate's agreement to any provisions in any conference agreement on revenue measures that are affected in the House by the requirements of this reserve fund.

Sec. 322. Deficit-Neutral Reserve Fund for San Joaquin River Restoration and Navajo Nation Water Rights Settlements

Section 322 is a deficit-neutral reserve fund for legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both. The reserve fund would accommodate deficit-neutral legislation in both the House and the Senate.

Sec. 323. Deficit-Neutral Reserve Fund for Selected Tax Relief Policies in the Senate

The Senate insists on Sections 303, 328, and 331 of the Senate resolution with an amendment. This section applies only in the Senate.

POLICY

Senate Resolution

Unlike Title IV of the House amendment, the Senate resolution did not contain a policy statement title.

House Amendment

Title IV of the House amendment contains the following policy sections.

Sec. 401. Policy on middle-income tax relief.

Sec. 402. Policy on defense priorities.

Sec. 403. Policy on college affordability.

Conference Agreement

Sec. 401. Policy on Middle-Income Tax Relief

The Senate recedes to Section 401 of the House amendment with a substitute. Subsection (a) retains the language of Section 401 of the House amendment, with amendments. This subsection applies only in the House. Subsection (b) applies only in the Senate.

Sec. 402. Policy on Defense Priorities

In Section 402 of the conference agreement, the Senate recedes to Section 402 of the House amendment with an amendment. The House Budget Committee report (H. Rept. 110–69) discussed key priorities to be funded within the defense allocation and the need for the Department of Defense to root out wasteful spending (such as the continued funding of some Cold War-era weapons systems, which may not be as effective in protecting the nation from today's threats). The conference agreement reaffirms these priorities.

Sec. 403. Policy on College Affordability

The Senate recedes to the House with a substitute. The conferees intend that nothing in the budget resolution should be construed as indicating support for cuts in college aid to students, including but not limited to assistance provided by non-profit state agencies.

SENSES OF THE HOUSE AND CONGRESS

Senate Resolution

Section 335 of the Senate resolution expresses the sense of Congress on the State Criminal Alien Assistance Program.

House Amendment

Title V of the House amendment contains the following Sense of the House sections:

Sec. 501. Sense of the House on servicemembers' and veterans' health care and other priorities.

Sec. 502. Sense of the House on the Innovation Agenda: A commitment to competitiveness to keep America #1.

Sec. 503. Sense of the House on homeland security.

Sec. 504. Sense of the House regarding the ongoing need to respond to Hurricanes Katrina and Rita.

Sec. 505. Sense of the House regarding long-term sustainability of entitlements.

Sec. 506. Sense of the House regarding the need to maintain and build upon efforts to fight hunger.

Sec. 507. Sense of the House regarding affordable health coverage.

Sec. 508. Sense of the House regarding extension of the statutory pay-as-you-go rule.

Sec. 509. Sense of the House on long-term budgeting.

Sec. 510. Sense of the House regarding pay parity.

Sec. 511. Sense of the House regarding waste, fraud, and abuse.

Sec. 512. Sense of the House regarding the importance of child support enforcement.

Sec. 513. Sense of the House on state veterans cemeteries.

Conference Agreement

In Title V of the conference agreement, the Senate recedes to Sections 501 through 513 of the House amendment, and the House recedes to Section 335 of the Senate resolution, with minor technical, clarifying, and conforming amendments. Title V includes the following sense of the House and sense of Congress provisions:

Sec. 501. Sense of Congress on Servicemembers' and Veterans' Health Care and Other Priorities.

Sec. 502. Sense of Congress on the Innovation Agenda: A Commitment to Competitiveness to Keep America #1.

Sec. 503. Sense of Congress on Homeland Security.

Sec. 504. Sense of Congress Regarding the Ongoing Need to Respond to Hurricanes Katrina and Rita.

Sec. 505. Sense of Congress Regarding Long-Term Sustainability of Entitlements.

Sec. 506. Sense of Congress Regarding the Need to Maintain and Build Upon Efforts to Fight Hunger.

Sec. 507. Sense of Congress Regarding Affordable Health Coverage.

Sec. 508. Sense of Congress Regarding Extension of the Statutory Pay-As-You-Go Rule.

Sec. 509. Sense of the Congress on Long-Term Budgeting.

Sec. 510. Sense of Congress Regarding Pay Parity.

Sec. 511. Sense of Congress Regarding Waste, Fraud, and Abuse.

Sec. 512. Sense of Congress Regarding the Importance of Child Support Enforcement.

Sec. 513. Sense of the House on State Veterans Cemeteries.

Sec. 514. Sense of the Congress on the State Criminal Alien Assistance Program.

RECONCILIATION

Senate Resolution

The Senate resolution did not include any reconciliation instructions.

House Amendment

Section 601 of the House amendment, which was included at the request of the Committee on Education and Labor, instructs that committee to report changes in law to the House to reduce the deficit by $75 million over six years, no later than September 10, 2007. Section 403 of the House

amendment includes policy language stating that the provision shall not be construed to require reductions in assistance that makes college more affordable for students.

Conference Agreement

The Senate recedes to the House with a substitute. The conference agreement provides instructions to the Education and Labor Committee in the House and to the Health, Education, Labor and Pensions Committee in the Senate to report legislation by September 10, 2007, to reduce the deficit by $750 million over six years.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's ''The Budget and Economic Outlook: Fiscal Years 2008–2017'' (January 2007).

Senate Resolution

CBO's economic assumptions were used.

House Amendment

CBO's economic assumptions were used.

Conference Agreement

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[Calendar years]

	2007	2008	2009	2010	2011	2012
Real GDP, Percent Change, Year Over Year	2.3	3.0	3.1	3.0	2.7	2.7
GDP Price Index, Percent Change, Year Over Year	1.9	1.8	1.8	1.8	1.8	1.8
Consumer Prices, Percent Change, Year Over Year	1.9	2.3	2.2	2.2	2.2	2.2
Unemployment Rate, Percent, Yearly Average	4.7	4.9	5.0	5.0	5.0	5.0
3-Month Treasury Bill Rate, Percent, Yearly Average	4.8	4.5	4.4	4.4	4.4	4.4
10-Year Treasury Bond Rate, Percent, Yearly Average	4.8	5.0	5.1	5.2	5.2	5.2

ALLOCATIONS

As required in Section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2007
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	950,504	1,029,465		
Memo: off-budget	4,692	4,727		
on-budget	945,812	1,024,738		
Mandatory	551,683	535,462		
Total	1,502,187	1,564,927		
Agriculture, Nutrition, and Forestry	14,284	14,056	69,157	53,045
Armed Services	98,717	98,252	102	112
Banking, Housing, and Urban Affairs	11,641	-1,788	1	1
Commerce, Science, and Transportation	16,278	8,257	1,060	1,026
Energy and Natural Resources	5,016	5,484	54	59
Environment and Public Works	42,426	1,687	0	0
Finance	1,011,528	1,017,818	417,759	417,995
Foreign Relations	15,769	15,763	164	164
Homeland Security and Governmental Affairs	102,150	98,545	20,656	20,657
Judiciary	6,811	6,945	617	611
Health, Education, Labor, and Pensions	12,922	13,144	4,371	4,224
Rules and Administration	67	39	121	121
Intelligence	256	256	0	0
Veterans' Affairs	304	354	37,621	37,447
Indian Affairs	451	448	0	0
Small Business	-78	-78	0	0
Unassigned to Committee	-580,291	-570,736	0	0
TOTAL	2,260,438	2,273,373	551,683	535,462

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2008
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	953,052	1,028,397		
Memo: off-budget	4,850	4,859		
on-budget	948,202	1,023,538		
Mandatory	588,759	575,066		
Total	1,541,811	1,603,463		
Agriculture, Nutrition, and Forestry	13,464	12,939	69,055	55,661
Armed Services	102,125	102,153	105	114
Banking, Housing, and Urban Affairs	13,296	-1,878	1	1
Commerce, Science, and Transportation	14,547	9,906	1,069	1,063
Energy and Natural Resources	5,071	4,757	54	55
Environment and Public Works	43,535	1,753	0	0
Finance	1,078,880	1,079,886	450,848	450,814
Foreign Relations	14,688	14,690	159	159
Homeland Security and Governmental Affairs	87,956	85,389	20,869	20,869
Judiciary	8,617	7,504	638	629
Health, Education, Labor, and Pensions	10,608	10,024	4,451	4,346
Rules and Administration	70	215	126	126
Intelligence	263	263	0	0
Veterans' Affairs	1,219	1,300	41,384	41,229
Indian Affairs	452	441	0	0
Small Business	0	0	0	0
Unassigned to Committee	-582,534	-574,753	0	0
TOTAL	2,354,068	2,358,052	588,759	575,066

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2008-2012
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture, Nutrition, and Forestry	67,878	65,557	353,820	292,096
Armed Services	546,992	546,679	268	325
Banking, Housing, and Urban Affairs	64,093	-18,543	5	5
Commerce, Science, and Transportation	75,198	48,684	5,878	5,855
Energy and Natural Resources	25,838	24,730	264	265
Environment and Public Works	181,487	9,668	0	0
Finance	6,018,150	6,022,475	2,587,343	2,587,228
Foreign Relations	69,077	65,798	698	698
Homeland Security and Governmental Affairs	483,868	470,496	107,903	107,903
Judiciary	37,630	37,363	3,281	3,257
Health, Education, Labor, and Pensions	56,565	54,185	23,399	22,836
Rules and Administration	343	532	683	683
Intelligence	1,415	1,415	0	0
Veterans' Affairs	5,900	6,449	220,335	219,343
Indian Affairs	1,748	1,835	0	0
Small Business	0	0	0	0

Allocation of Spending Authority to House Committee on Appropriations
(In millions of dollars)

		2007 1/	2008
Discretionary Action	BA	950,504	953,052
	OT	1,029,465	1,028,397
Current Law Mandatory	BA	549,102	548,676
	OT	533,495	536,972

1/ Revision to amounts deemed for 2007. Includes emergencies incorporated into the Congressional Budget Office March baseline.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

	2007 1/	2008	Total 2008-2012
Committee on Agriculture			
Current Law			
BA	14,455	13,241	29,392
OT	14,270	13,054	29,398
Reauthorizations			
BA	--	36,547	225,550
OT	--	34,665	221,808
Total			
BA	14,455	49,788	254,942
OT	14,270	47,719	251,206
Committee on Armed Services			
Current Law			
BA	98,705	102,178	547,417
OT	98,241	102,207	547,105
Resolution Change			
BA	--	-50	-410
OT	--	-50	-410
Total			
BA	98,705	102,128	547,007
OT	98,241	102,157	546,695
Committee on Education and Labor			
Current Law			
BA	7,498	5,100	27,795
OT	7,665	4,937	25,692
Reauthorizations			
BA	2,837	2,874	16,586
OT	2,223	2,769	15,951
Resolution Change			
BA	--	-150	-750
OT	--	-150	-750
Total			
BA	10,335	7,824	43,631
OT	9,888	7,556	40,893
Committee on Energy and Commerce			
Current Law			
BA	240,383	248,708	1,415,559
OT	241,746	251,778	1,420,084
Reauthorizations			
BA	--	5,040	25,200
OT	--	2,675	23,507

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

	2007 1/	2008	Total 2008-2012
Total			
BA	240,383	253,748	1,440,759
OT	241,746	254,453	1,443,591
Committee on Financial Services			
Current Law			
BA	3,929	4,924	19,988
OT	-1,237	-1,377	-16,331
Committee on Foreign Affairs			
Current Law			
BA	15,769	14,688	69,077
OT	15,763	14,690	65,798
Committee on Homeland Security			
Current Law			
BA	1,416	1,211	6,639
OT	1,364	1,396	6,962
Committee on House Administration			
Current Law			
BA	67	70	343
OT	39	215	532
Committee on the Judiciary			
Current Law			
BA	5,824	7,573	31,796
OT	5,963	6,466	31,560
Committee on Natural Resources			
Current Law			
BA	5,465	5,563	28,014
OT	5,209	5,093	26,513
Committee on Oversight and Government Reform			
Current Law			
BA	101,410	87,280	480,831
OT	97,813	84,705	467,426
Committee on Science and Technology			
Current Law			
BA	117	121	605
OT	115	133	637
Committee on Small Business			
Current Law			
BA	-78	--	--
OT	-78	--	--

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

	2007 1/	2008	Total 2008-2012
Committee on Transportation and Infrastructure			
Current Law			
BA	66,656	65,299	166,780
OT	12,734	13,454	71,501
Reauthorizations			
BA	--	3,675	148,629
OT	--	--	1,164
Resolution Change			
BA	--	125	1,525
OT	--	--	--
Total			
BA	66,656	69,099	316,934
OT	12,734	13,454	72,665
Committee on Veterans Affairs			
Current Law			
BA	304	1,219	5,900
OT	354	1,300	6,449
Reauthorizations			
BA	--	406	9,533
OT	--	373	9,302
Total			
BA	304	1,625	15,433
OT	354	1,673	15,751
Committee on Ways and Means			
Current Law			
BA	775,774	823,345	4,486,527
OT	778,373	823,463	4,493,238
Reauthorizations			
BA	--	958	44,753
OT	--	711	38,149
Total			
BA	775,774	824,303	4,531,280
OT	778,373	824,174	4,531,387

1/ Revision to amounts deemed for 2007.

PAY-AS-YOU-GO SCORECARD FOR THE SENATE REFLECTING LEVELS FOR THE CONFERENCE AGREEMENT

Period of the current fiscal year, the budget year, and the four fiscal years following the budget year: $0.

Period of the current fiscal year, the budget year, and the nine fiscal years following the budget year: $0.

HOUSE RULE XXVII

The adoption of this conference agreement by the two houses would result in the engrossment of a House Joint Resolution changing the statutory limit on the public debt pursuant to House Rule XXVII, clause 3. The rule requires a joint resolution in the following form:

Resolved, by the Senate and the House of Representatives of the United States in Congress assembled, that subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $9,815,000,000,000.

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the Part of the Senate.

JOHN M. SPRATT, JR.,
ROSA DELAURO,
CHET EDWARDS,
Managers on the Part of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1593

Mr. CONAWAY. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor on H.R. 1593, the Second Chance Act of 2007.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1585.

□ 1301

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 45 minutes.

The Chair recognizes the gentleman from Missouri.

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

Mr. Chairman, today the House begins consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008. This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee, which approved the bill in markup last week by a vote of 58–0.

I want to thank our committee members, particularly our subcommittee chairmen and ranking members, for their outstanding work. And special thanks go to the ranking member, DUNCAN HUNTER, and I appreciate his working so hard in a very bipartisan manner to make this bill come to the floor. He's been a partner in this, and I appreciate it. I am proud that we're always able to work together in our efforts to enhance our Nation's defense.

Mr. Chairman, the polestar of this year's Defense authorization is readiness. Continued reports on the state of readiness for our ground forces, particularly our nondeployed and next-to-deploy forces, are of deep concern. To restore readiness and ensure our forces will be ready if they are called upon for the next fight, this bill fully funds the budget request for the Army and Marine Corps reset of equipment at $13.6 billion and $8.4 billion respectively.

They add some $1 billion in a strategic readiness fund to meet critical readiness requirements identified by a new Defense Readiness Production Board.

It increases training by $250 million so that our units may get more training time.

It requires a plan and a timeline for replenishing prepositioned stocks.

And it strengthens the National Guard by adding $1 billion for National Guard and Reserve equipment from their unfunded requirements list, ensuring that the National Guard is able to meet its homeland and civil support missions, and also adding a range of authorities through the National Guard Empowerment Act.

This bill looks out for our troops in harm's way by dedicating substantial resources to improve protection, including $4.6 billion for Mine Resistant Ambush Protected vehicles, known as MRAPs, and providing funds for personal body armor and up-armored Humvees.

To reduce the strain on our force and in keeping with the House Armed Services Committee's long advocacy of the need to boost end strength, that is, the number of troops, the bill has authorized an increase in the size of the Army by 36,000 Army troops and Marines by 9,000.

Our servicemembers and their families make countless sacrifices and our pride in them knows no bounds. We express our thanks to them through a 3.5 percent pay raise, by blocking TRICARE and pharmacy program fee increases, by expanding special compensation for combat-related disabled retirees, and establishing a special survivor indemnity allowance to begin to address the offset to the survivor benefit plan and the dependents indemnity plan.

Provisions also include the Wounded Warrior Assistance Act, which addresses many of the problems identified at Walter Reed Army Medical Center; and, Mr. Chairman, you will recall we passed that as a stand-alone bill just a few weeks ago.

Accountability with respect to our own ongoing operations in Iraq and Afghanistan is also an important component of the measure. The bill requires General Petraeus and Ambassador Crocker to report on the implementation of the Joint Campaign Plan for Iraq, as well as on efforts made by the Iraqi Government to achieve political reconciliation.

Secretary Gates is also required to report on the proposed force levels for the 6 months following September, to discuss the missions of our forces, and to inform Congress about contingency planning. The information from this report will help us ask the right questions, the tough questions, and make frank judgments about how we are going to pass the baton on to the Iraqis. I am convinced that the sectarian violence will only be overcome by Iraqi political progress, and thus far, I haven't seen much of that since then.

September's report will be an opportunity for General Petraeus and Ambassador Crocker to lay out the straight facts. Time is short with the American people, and the Iraqis must act soon. This report will provide real and substantial information.

Calling attention to the forgotten war in Afghanistan, the bill provides funds for the Afghanistan security forces and requires a long-term sustainment plan so that the Afghans can build the logistics and other capabilities they need for long-term security.

The bill establishes a new Special Inspector General for Afghan Reconstruction to ensure accountability in contracting there and extends the authority of the Special Inspector General for Iraq Reconstruction.

The bill also brings more contracting accountability to both Afghanistan and Iraq by forcing the Departments of Defense and State to work together in assigning responsibility for overseeing the thousands of contractors in these places, particularly those who do carry weapons.

And finally, Mr. Chairman, the bill requires that the Secretary of Defense undertake an analysis of the Department's roles and missions. In 1947, a similar effort helped shape the Pentagon through the National Security Act. After 60 years, it is time for a new analysis to help eliminate duplication among the services, identify core competencies, and strengthen the Department of Defense and the military while helping us spend money much more wisely.

Before I close, let me spend just a moment talking about something that is not in this bill. The Military Commissions Act, which was made into law by the last Congress, precludes detainees in Guantanamo from petitioning courts under habeas corpus. This bill does not include a provision to restore the principle of habeas corpus for detainees at Guantanamo, even though I feel strongly it should.

My judgment is that the most promising course of action will be for this House to take up this issue as a separate bill. To that end, I have prepared legislation to address the habeas corpus issue, and I intend to work with the leadership, members of our committee and with the Judiciary Committee on that issue.

Mr. Chairman, this is a critical time in the defense and security of our Nation. This is a very important bill. I urge the Members in this House to support this Defense authorization bill. It does so much to restore readiness, to support our men and women in uniform, and to protect the American people.

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

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

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security activities undertaken by the Departments of Defense and Energy. We all take our legislative responsibilities very seriously, and this is especially true during a time of war.

And it's always true of my good friend and colleague, IKE SKELTON, the great gentleman from Missouri, our chairman. I want to thank Chairman SKELTON for the excellent job that he's done in putting this bill together, and also thank all of our subcommittee chairmen and ranking members who have put together a composite that very strongly meets the needs of our men and women in uniform.

As a result of Mr. SKELTON's efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2008 last Wednesday. The vote was unanimous, 58–0.

I support this bill. It reflects our committee's continued strong support for the brave men and women of the United States Armed Forces, and in many ways this bill is a very good bill.

It authorizes the President's request for $503.8 billion for the fiscal year 2008 base budget of the Department of Defense and national security programs of the Department of Energy. This amount provides for end-strength growth in both the Army and Marine Corps, continuing initiatives started several years ago by the Armed Services Committee.

In fiscal year 2008, the Army would be authorized 525,400, which is 3,000 more than authorized last year, and the Marine Corps would be authorized 189,000, 9,000 more than last year. The bill also includes $142 billion to cover fiscal year 2008 war costs, as requested by the President.

Some of the initiatives in this legislation continue or build upon successful programs or reinforce good legislation that the House has already passed. For example, this legislation has provisions that are essential to maintain a robust defense industrial base. Last year, the Defense authorization bill tried to strike a fair balance between requiring the use of domestic specialty metals for our weapons systems and offering a waiver process in case sufficient metals are not available. H.R. 1585 establishes a formal rulemaking process for waivers that apply to multiple contracts to facilitate transparency and the gathering of broad industry input. In this way, the market will be able to respond to supply shortages, fostering investment in domestic industries.

Other initiatives in this bill modify existing authorities or establish promising new programs and policies, such as adding $4.1 billion for the Mine Resistant Ambush Protected vehicles, so-called MRAPs. Separately, H.R. 1585 levels the playing field between U.S. companies and foreign countries with which we have free trade agreements. It rectifies a critical flaw in the U.S. Code that effectively penalizes U.S. companies for complying with U.S. law, while allowing foreign manufacturers to provide noncompliant components and systems.

These and other sections go a considerable way in ensuring that our brave men and women in uniform have the best available tools to protect our national security interests, but this bill is not a perfect bill. We can and we should improve it.

This legislation cuts missile defense programs by almost $800 million. In 2006, there were about 100 foreign ballistic missile launches around the world, including from North Korea with short-range missiles and a longer-range TD–2 missile; and from Iran with its development and testing of short- and medium-range ballistic missiles. I wonder whether in the face of this growing threat we should be slowing down the development and fielding of a robust, layered ballistic missile defense system that would prove critical to our Nation's defenses.

This bill recommends a reduction of more than $860 million for the Army's Future Combat Systems program. In the past, our committee made smaller cuts to drive behaviors that would lead to a successful system. With the magnitude of this cut, I worry about the long-term impact on the capability of the U.S. Army and wonder whether we should not restore some of this funding to ensure that the Army is as prepared as possible to meet future challenges.

And finally, this bill provides significant resources for shipbuilding. I am concerned, however, that we have not fully funded two of the three additional ships that the language purports to have added. The bill is approximately $145 million less than the amount the Navy needs to buy and take delivery of an additional dry cargo ship, which was number two on the Navy's unfunded priority list. Also, the bill provides $588 million for advanced procurement for an additional ship-set of reactive plant heavy components for a Virginia-class submarine in 2008, but it remains up to future Congresses to complete the funding and turn these components into an additional submarine before 2012.

□ 1315

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers.

I want to thank again Chairman SKELTON for putting together an excellent bill and helping us stay focused on delivering a bill that helps us protect, sustains and builds our forces.

I look forward to working with my colleagues to improve and pass H.R. 1585.

Mr. Chairman, at this point, I would like to yield 15 seconds to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for his commitment and for his wisdom and for his leadership on America's security.

MOTION TO RISE OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from California yield for purposes of that motion?

Mr. HUNTER. Yes, I yielded for purposes of the motion.

The CHAIRMAN. The question is on the motion to rise.

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 354]

Abercrombie	Barrow	Blackburn
Akin	Bartlett (MD)	Blumenauer
Alexander	Barton (TX)	Boehner
Allen	Bean	Bonner
Altmire	Becerra	Bono
Andrews	Berkley	Boren
Arcuri	Berry	Boswell
Baca	Biggert	Boustany
Bachmann	Bilbray	Boyda (KS)
Bachus	Bilirakis	Brady (PA)
Baker	Bishop (GA)	Brady (TX)
Baldwin	Bishop (NY)	Braley (IA)
Barrett (SC)	Bishop (UT)	Brown (SC)

Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

□ 1342

The CHAIRMAN. On this quorum call, 397 have responded, a quorum.

RECORDED VOTE

The CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 219, not voting 41, as follows:

[Roll No. 355]

AYES—177

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

NOES—219

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—41

Ackerman
Baird
Berman
Blunt
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brown-Waite, Ginny
Cubin
Davis, Jo Ann
Delahunt
Dicks
Engel
Faleomavaega
Fattah
Fortenberry
Foxx
Gillibrand
Hall (TX)
Hastings (FL)
Higgins
Hirono
Hunter
Matsui
McMorris Rodgers
Miller (FL)
Moran (VA)
Nadler
Norton
Paul
Peterson (PA)
Platts
Poe
Pryce (OH)
Radanovich
Schwartz
Sires
Stark
Welch (VT)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1351

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Texas (Mr. ORTIZ), who is the chairman of the Subcommittee on Readiness.

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

Mr. ORTIZ. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2008.

The bill before us today begins to address our growing concerns about the readiness posture of our Armed Forces.

I would like to thank the ranking member from my subcommittee, Mrs. DAVIS from Virginia, for her help in bringing together this excellent bill. I thank Chairman SKELTON and Mr. HUNTER.

Mr. Chairman, our troops and their equipment have been stretched by extended combat operations, and the strain is evident in declining readiness, shortfalls in training and difficulties equipping our forces. These problems have grown to immense proportions, and this bill is a significant step to reverse the decline and rebuild our military.

Included in this bill are some significant readiness policy initiatives and investments that will help restore the readiness and posture of our military.

First, this bill establishes a Defense Readiness Production Board to identify critical readiness requirements and to mobilize the defense industrial base to speed up the production of military equipment. This board will bridge the gap between readiness needs and resources to help repair our worn out equipment that has been used time and time and time again.

The bill also creates a $1 billion Strategic Readiness Fund to give the board and the Department of Defense the ability to rapidly attend to pressing readiness needs.

This bill begins to address other shortfalls in maintenance and training by providing $250 million for unfunded training requirements and an additional $150 million to restore aviation maintenance shortfalls.

We are very concerned about the readiness of our National Guard. Our bill requires the Department of Defense to begin measuring the readiness of the National Guard units to support emergencies in their home States, such as the recent tragic tornadoes in Kansas. These readiness reports will allow the Congress and each State's Governor to evaluate the need of each State and address problems before a disaster occurs. To help restore the shortfalls, the bill includes a $1 billion investment in National Guard equipment.

We also included provisions that require plans and reports to Congress on reconstituting our prepositioned war stocks.

Mr. Chairman, we also authorized more than $21 billion for military construction, family housing and to implement base realignment and closure. Those funds include money to support growth in force initiatives for the Army and the Marine Corps and to provide facilities to accommodate new recruits and missions.

Other significant provisions include proposed changes to the National Security Personnel System and the depot initiatives.

Mr. Chairman, this is a very, very good bill, and I encourage my colleagues to vote in favor of this bill.

I rise in support of the National Defense Authorization Act for Fiscal Year 2008. The bill before us today begins to address our growing concerns about the readiness posture of our armed forces. I would like to thank the ranking member from my subcommittee, Mrs. DAVIS from Virginia, for her help in bringing together this excellent bill.

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These readiness reports will allow the Congress and each State's Governor to evaluate the needs of each State and address problems before a disaster occurs. To help restore the shortfalls, the bill includes a $1 billion investment in National Guard equipment. We also included provisions that require plans and reports to Congress on reconstituting our prepositioned war stocks.

We authorized more than $21 billion for military construction, family housing, and to implement base realignment and closure. Those funds include money to support "grow-the-force" initiatives for the Army and Marine Corps . . . and to provide facilities to accommodate new recruits and missions. Other significant provisions include proposed changes to the National Security Personnel System, depot initiatives, and numerous important policy initiatives for the Department of Defense.

This is a good bill, and I am pleased to have helped write it. It reflects our bipartisan desire to improve readiness and provide for our men and women in uniform.

Mr. SAXTON. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the process that we've gone through to bring this bill to the floor has been an extensive one. We started under the leadership of Chairman SKELTON in January, and as we moved through the days and the weeks, there were numerous, both full committee and subcommittee hearings.

There were visits here on Capitol Hill in our office and in other places by military leaders. There were visits by us to the Pentagon and to bases around the continental United States and, I might add, there were visits by us to our soldiers, marines, airmen and sailors who are serving overseas.

There were briefings too numerous to count, and a good process. And I want to just take this opportunity to congratulate and thank Chairman SKELTON for the orderliness and the fairness with which this process was conducted.

This is a good bill, and I intend to support it. It provides for some new things, provides for some force protection measures that are so important in the war that we're now engaged in. It provides for additional money for the Stryker system. It provides for additional resources for up-armored Humvees, and it provides for steps forward in the new Joint Tactical Vehicle program.

We added 10 more aircraft known as C–17s, which are strategic airlifters to get us to the fight. We took care of some personnel issues, including a significant pay raise for military personnel. And, because we're at war, and because we're using our military equipment, it wears out. It's a tough terrain that we're involved in in Iraq and Afghanistan, and so we included $3.6 billion for Army reset and $8.2 billion for Marine Corps reset.

And I might add that quality of life remains extremely important to the chairman, to the ranking member, and to all of us who serve on the committee, and so military construction dollars were added to provide the quality of life that is important to our military personnel.

Now, it's a good bill, and I'm going to support it. If I were the person sitting at the desk writing the bill all by myself, I would have done some things differently. But that being said, it continues to be a bill that is worthy of everyone's support.

I would have tried to find a way to include more money for the Future Combat System. We cut it by almost 25 percent. This is the Army's modernization program, and the first modernization program anything like it since World War II. It combines the use of technology that's available today with

some more traditional combat equipment, but it's good for the future. It's good for urban combat, it's good for being able to see the enemy who now has found ways to hide on our conventional systems. And it's a big cut.

□ 1400

I would have also tried to add back the 9 percent that was reduced from the missile defense system. Today we have a missile defense system that actually will work once it is deployed, but we reduced it by 9 percent.

So, Mr. Chairman, once again I hope that the majority of our colleagues on this side of the aisle will support this bill. I think it is a good bill. It is one that is needed, particularly in these times when the United States of America is at war.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I thank the gentleman from New Jersey for his kind and supportive remarks.

Madam Chairman, I yield 2 minutes to my colleague, the gentleman from Arkansas, Dr. Snyder, who is the chairman of the Subcommittee on Military Personnel.

Mr. SNYDER. Madam Chairman, let me begin by thanking Chairman IKE SKELTON for the work that he has done on this bill.

As we can tell by the tone already, there has been a strong spirit of bipartisanship in putting this bill together. Both Ranking Member DUNCAN HUNTER and Chairman IKE SKELTON have worked very closely together to make this the kind of bill we want in time of war.

And, IKE, I just want to say Susie would be proud of the work that you have done on this bill.

I also want to thank my colleague, JOHN MCHUGH, the Congressman from New York, for the work that he has done and continues to do year after year. And as many of you know, his district includes Fort Drum that has done more than its fair share of sacrifice in this war in Iraq, Afghanistan, and the war on terrorism.

And, finally, a note about the staff. We all can talk about working together in a bipartisan manner, but for us it might mean just shaking hands as we go up and down the aisles. For the staff it is day in and day out, and I think they have done a great job of working together and trying to understand each other's concerns as this bill has come together; and I think the product reflects their great, great work.

As somebody who spent 12 months and 20 days in Vietnam a long, long time ago at a time then also of a great foreign policy debate in our country, what I see in this body and in America today is something that a lot of us felt was lacking those 35 or 40 years ago. There is just this strong love of our troops and their families by the American people and by this Congress. And we recognize the need for a strong, well-trained, well-equipped military. And we have never forgotten the importance of families, the importance of families to our men and women in uniform.

I think of one of my employees, who spent a year in Iraq, and he told me when he came home the first time for R&R and he had two young children, he came off the plane and he had about a 150-yard walk down the aisle there in the airport, and he could not stop himself. He ran that last 150 yards so he could see his children that he had not seen in several months. And yet we know the sacrifices that our families bear.

So because of that, I think we have a lot of good things in this bill, whether it is dealing with medical care, TRICARE, the GI bill. I think it is a good, strong, bipartisan bill, and I appreciate all the work that the staff and Members have done.

Mr. HUNTER. Madam Chairman, at this time, I would like to yield 5 minutes to the gentleman from Alabama (Mr. EVERETT), the ranking member of the Strategic Forces Subcommittee.

Mr. EVERETT. Madam Chairman, I thank my good friend Mr. HUNTER for yielding to me and thank him for his work and leadership on this legislation. And I would be remiss if I didn't thank the chairman of the committee, my good friend, the gentleman from Missouri (Mr. SKELTON).

Madam Chairman, I rise today in support of H.R. 1585, the fiscal year 2008 National Defense Authorization Act. I would like to congratulate the chairman of the Strategic Forces Subcommittee, the gentlewoman from California (Mrs. TAUSCHER), on her first mark as chairman. She has been cooperative and straightforward, and that I appreciate. The effort has resulted in a product where we agree on far more than we disagree.

This subcommittee tackles complex and often partisan issues, such as ballistic missile defense and nuclear weapons policy. This year's process has been further complicated due to the fact that our subcommittee allocation was cut by over $1 billion from the administration's request.

In the area of missile defense, the bill continues a policy set forth by this committee last year that places a priority on near-term missile defense capabilities. The bill increases the request for Patriot PAC–3 by $11.8 million to buy four additional interceptors and adds $78 million to the President's request for Aegis ballistic missile defense and fully funds the request for THAAD.

The measure also contains a reduction in funding for the proposed Third Site in Europe. I understand the chairman's rationale and her concern about moving forward without formal agreements with the host nations in place. However, I am pleased that my amendment was accepted during the full committee markup, which encourages DOD to seek a reprogramming request in the event that we reach agreements with the host nations in fiscal year 2008.

While I support most of the provisions in this legislation, like many on my side of the aisle, I remain concerned about the $776 million top-line cut levied on the Missile Defense Agency, especially when progress is being made in so many areas of these programs. Now is not the time to have a further reduction in funding or slow down the development and fielding of these missile defense elements that are critical to our Nation's defense and the protection of our deployed forces and allies.

In the time since last year's bill, we have seen a clear demonstration of the threat to our Nation, including North Korea's test of several short-range missiles and a longer-range Taepo-Dong-2 missile; Iran's continued development and test of short- and medium-range ballistic missiles; North Korea's nuclear test; and Iran's effort to continue uranium enrichment in the face of international criticism.

I understand the need to focus on near-term capabilities, but as we move the bill forward, we need to work together to identify the right balance between investments in our near-term systems and our future capabilities.

In the area of space, the legislation contains a provision I strongly support which places a priority on protecting our space assets and increases funding for space situational awareness and operationally responsive space capabilities. Consistent with previous bipartisan efforts to improve space acquisition, H.R. 1585 continues its emphasis on program execution. The bill reflects a measured approach to space acquisition that overlaps new modernization programs with continuing legacy programs.

H.R. 1585 fully funds Transformational Satellite, or TSAT, which has made significant progress in measuring and maturing critical technologies and following GAO's knowledge-based approach. It also supports Space Radar. Though the program details are classified, I believe Space Radar's all-weather, day-and-night, 24/7 surveillance and reconnaissance capability is vital for the protection of our forces and supporting intelligence users.

The measure reflects a bipartisan agreement on the Atomic Energy Defense Activities, particularly on RRW, the Reliable Replacement Warhead program. RRW has the potential to increase the reliability, safety, and security of our nuclear weapons stockpile and reduce the likelihood of testing. RRW funding is reduced but maintained at a level to allow NNSA to take a measured, knowledge-based approach by focusing on detailed design and cost estimates.

This is a good bill. We agree on more than we disagree, and I would urge Members on my side to support the bill.

Mr. HUNTER. Madam Chairman, I yield to the gentleman from Georgia (Mr. WESTMORELAND) for purposes of a motion.

MOTION TO RISE OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Ms. ESHOO). The question is on the motion to rise.

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

Mr. WESTMORELAND. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman withdraw his point of order?

Mr. WESTMORELAND. No.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 356]

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

□ 1433

The Acting CHAIRMAN. On this quorum call, 393 have responded, a quorum.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Madam Chairman, on rollcall No. 356, had I been present, I would have voted "present."

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 222, not voting 31, as follows:

[Roll No. 357]

AYES—184

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

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Carnahan
Carney
Carson
Castle
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
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
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
Hunter
Inslee
Israel

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

NOT VOTING—31

Barrow
Bordallo
Camp (MI)
Cardoza
Christensen
Cubin
Davis, Jo Ann
Delahunt
DeLauro
Engel
English (PA)
Faleomavaega
Hastert
Hoyer
McCrery
McMorris Rodgers
Melancon
Miller (FL)
Miller, George
Moran (VA)
Myrick
Nadler
Norton
Peterson (PA)
Platts
Poe
Reynolds
Stark
Stupak
Whitfield
Wolf

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1442

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE) for the purpose of making a unanimous consent request.

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

Mr. ABERCROMBIE. Madam Chairman, as disappointing as it may be for all the Members that I will not now deliver an oration, I will submit a formal statement on the work of the Air and Land Forces Subcommittee. I thank my good friend, colleague and mentor, Mr. SAXTON, and all the Members, Republican and Democratic alike, on the Air and Land Forces Subcommittee.

Mr. SKELTON. Madam Chairman, I yield 4 minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR), who is the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. Madam Chairman, I want to thank all of the Members of the Seapower and Expeditionary Forces Subcommittee for their cooperation on this. I want to thank in particular Ranking Member SAXTON and Chairman ABERCROMBIE for the funds that were transferred from their portions of the bill to address the immediate warfighter needs in Iraq.

Madam Chairman, a disproportionately high number of Americans are dying in Iraq in explosions that involve Humvees. We as a Nation have spent a lot of money to protect the troops that ride in them. Unfortunately, the enemy has discovered that Humvees are vulnerable from the bottom. This bill includes $4.1 billion, ten times more than the President's request, to field a new generation of vehicles, a mine resistant ambush-protected vehicle, to protect the troops in Iraq. This could only be done with the cooperation of the Air and Land Forces Subcommittee and the Seapower and Expeditionary Forces Subcommittee.

Keep in mind that the President's budget request was actually written about a year ago. It is responding to the needs as we see them in the field, and I think a very good move. We also want to thank the great staff of the Seapower and Expeditionary Forces Subcommittee for the work that they have done.

The President asked for seven ships in this year's budget: a Gerald Ford class aircraft carrier; a Virginia-class submarine; an LPD 17; two LCSs; a T-AKE cargo ship; and a Joint High Speed Vessel. Because of the good work of the subcommittee and the cooperation of the other subcommittees of the Committee on Armed Services, this committee has added an additional LPD 17, an additional T-AKE cargo ship, and the forward funding for an additional submarine.

The Bush administration's Defense budgets have grown by well over $100 billion during their tenure. Unfortunately, the Navy fleet has shrunk by 50 ships during the same time. This marks the first attempt on the part of the committee in a long time to reverse that trend and get our Nation back on course for a 313-ship Navy, and I want to thank all those who helped make that possible.

□ 1445

Additionally, the bill funds a competitive engine program for the Joint Strike Fighter. It fully funds the administration's request for ship and aviation construction and procurement. It fully funds the administration's request for the operation of the Maritime Administration.

The bill would allow the Secretary of the Navy to come up with a program for capital expenditure in shipbuilding to help modernize our shipyard infrastructure and reduce the cost of our Navy ships to the taxpayers.

It will allow for the multi-year procurement for Virginia-class submarines, and it will direct the Secretary of the Navy to design and construct the next generation of surface warships with integrated nuclear power systems.

Madam Chairman, it makes no sense at all to have aircraft carriers that carry 30 years' worth of fuel on board when the vessels that are necessary to protect them have to refuel every 5 days. We are addressing this vulnerability to our fleet and, more importantly, we are taking a huge step on behalf of the Department of Defense to make our Nation less dependent on foreign sources of fuel.

I would like to acknowledge that none of these initiatives could have taken place without the great cooperation and leadership on the part of the former chairman, Mr. BARTLETT. Addressing the nuclear power issue is a direct result of his making the committee aware of our vulnerabilities to fuel, and the need for shipyard modernization again is a direct result of his efforts while he was chairman. It is also with the great cooperation of the minority and the members of our staff that we present this portion of the bill to the Congress and ask for its approval.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Madam Chairman, pursuant to sections 3 and 4 of House Resolution 403, and as the chairman of the Armed Services Committee, I request that during further consideration of H.R. 1585 in the Committee of the Whole and following general debate, the following amendments be considered in this order: amendment No. 33, amendment No. 29, amendment No. 49, the en bloc package, and amendment No. 8, amendment No. 14, amendment No. 21, and amendment No. 38.

I reserve the balance of my time.

Mr. SAXTON. Madam Chairman, I yield 3 minutes to the ranking member of the Military Personnel Subcommittee, the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise simply to say, as we have heard from previous speakers, and perhaps to state the obvious, this piece of legislation, H.R. 1585, is a strong bill.

More importantly, in my judgment it is a bill that was put together in a collaborative and bipartisan manner. I want to pay my respects, my words of appreciation to the full committee Chair, the gentleman from Missouri (Mr. SKELTON), who came through this, his first trial by fire, I think, with great efficiency; as well as, of course, the gentleman from California (Mr. HUNTER), the former chairman, now ranking member. But most importantly, I want to thank the new chairman of the Personnel Subcommittee, a gentleman who I had the honor and opportunity to serve with as the ranking member when I had the opportunity to serve as Chair, Dr. VIC SNYDER, who worked together again in a bipartisan manner, and in that way has produced

a product which I think overall we can all support with not just a great deal of enthusiasm but a great deal of pride.

All of us feel very strongly on the Personnel Subcommittee that when the Members come to the floor, it is good that they talk about the broad range of effects and benefits in this bill. But it makes us feel proud, Madam Chair, when we note that those things that the Members take most pride in and cite most often are a product of the work of the Personnel Subcommittee. The reason for that is very, very simple.

The success of the United States military is today, as it has always been, not in high weapons systems, as important as they are, not in sophisticated platforms, not in all of those things that give our fighting men and women an edge, but the true edge is in the fighting men and women themselves. And this bill contains many benefits, many added advantages that they so richly deserve.

It provides an increase in end strength, something we have taken up and we need to continue, is embodied in this bill. A basic pay raise that will continue the 8-year effort we have had to increase the pay of our men and women in uniform, drawing down that pay gap between the civilian and military forces, drawing it down currently under the ramp to 2012 when it will be as little as 1.5 percent, resisting so-called efficiency wedges and savings in the TRICARE and other military health care programs, saving money for those hardworking men and women protecting our interests wherever they may be, here at home, and their families.

The Wounded Warrior Assistance Program that I had the honor of working with, along with Dr. SNYDER, and along with the chairman and the ranking member to address those challenges that we saw so very dishearteningly at places like Walter Reed and others.

All of this combined is a good bill that works on a bipartisan basis. I urge all of my colleagues to support the bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Washington (Mr. SMITH), who is the chairman of the Subcommittee on Terrorism and Unconventional Threats and Capabilities.

Mr. SMITH of Washington. Thank you, Madam Chair.

First of all, I want to thank the chairman of the Armed Services Committee, IKE SKELTON, for the fantastic job he has done on this mark. He has done it in a bipartisan fashion. And also, of greatest importance, this mark funds the war that we are fighting.

We have troops in the field in harm's way. We fund the priorities that they need right now. And given all of the demands on the Armed Services Committee, that is no easy feat. The chairman and all members of the committee have made that a priority, and I want to thank him for that.

I also believe that we have well-funded the broader war on terrorism that my subcommittee has a significant part of, Subcommittee on Terrorism.

The fight against al Qaeda and the ideology they espouse and those who would support al Qaeda or that ideology is not just in one place. It is in many places in the world. It is in Africa, Southeast Asia, certainly in the Middle East and elsewhere. To combat that ideology, we need a force that is trained in unconventional warfare, that is trained in asymmetric warfare, and we need the Special Operations Forces who are trained to go into parts of the world, to understand the culture and work with the local communities and stop al Qaeda-like insurgencies before they start. That training is critical.

It is much easier to fight that type of battle than to get dragged into a larger war. We have had incredible success in places like the Philippines and Chad and Kenya and elsewhere because our Special Operations Forces understand irregular warfare, get in there and work with the local communities to stop insurgencies before they start. I believe this mark reflects that priority. It is certainly one of the highest priorities for our subcommittee.

I want to thank the ranking member, the gentleman from Texas (Mr. THORNBERRY), for his leadership on this issue as well. We have put language, money and report language in the bill that will prioritize irregular warfare, unconventional fights, so that we can defeat al Qaeda globally and understand all of the different challenges that go into that.

Again, I thank the gentleman from Missouri (Mr. SKELTON) for his outstanding leadership of this committee. It is a privilege and honor to serve with him, and to thank him for this mark and this bill that I think adequately prepares our military to fight the battles we face.

Mr. SAXTON. Madam Chair, I would like to yield such time as he may consume to the ranking member of the Seapower Subcommittee, Mr. BARTLETT.

Mr. BARTLETT of Maryland. Madam Chair, I rise in strong support of H.R. 1585.

First, I would like to take this opportunity to recognize the outstanding service rendered to the Nation by our men and women in uniform, who, like their forebears, are meeting today's security challenges with true dedication and professionalism.

I would also like to thank the gentleman from Mississippi (Mr. TAYLOR), chairman of the Seapower and Expeditionary Forces Subcommittee on which I serve as ranking member, for his leadership, for his friendship which I really appreciate, and unwavering commitment to our servicemembers. I also want to thank our very capable staff.

Madam Chair, I think our colleagues will find that this bill reflects a fair and balanced treatment of the issues facing the United States Navy and Marine Corps. In collaboration with the Air and Land Forces Subcommittee and Chairman SKELTON and Ranking Member HUNTER, we provided full funding for the Mine Resistant Ambush Protected Vehicle, or MRAP, which is protecting our troops against IEDs.

By strengthening the shipbuilding program and authorizing eight new ships, we addressed the Navy's number one and number two unfunded priorities. We must reverse the steady decline in the number of battle force ships we have seen for nearly two decades.

Nevertheless, in order to provide the number of ships our warfighters say they need, we must inject fiscal discipline into our shipbuilding program. To that end, H.R. 1585 includes a provision that would limit the practice of design and build concurrency, a practice which has delayed and increased costs for a number of shipbuilding programs.

Continuing efforts from prior years' Defense authorization bills, we have included a provision to push for modernization in shipyards through process, infrastructure improvements, and workforce training.

An April 2007 study commissioned by the Department of Defense found that the risks associated with the cost and supply of oil will make the U.S. military's ability to rapidly deploy on demand ''unsustainable in the long term.''

H.R. 1585 also forges new ground by requiring that future major combatant vessels have integrated nuclear propulsion.

I conclude by applauding the remaining provisions in the bill supporting the Navy and Marine Corps and authorizing appropriations and authorities for the Maritime Administration. I urge full support of H.R. 1585.

Mr. SKELTON. Madam Chair, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER) who is the chairwoman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Madam Chairman, first I would like to congratulate the gentleman from Missouri, the distinguished chairman of the committee, on his first mark of the national security defense bill. He is a fabulous member and a great leader. I appreciate all of the hard work that has been put into this bill.

I also want to thank my ranking member, the gentleman from Alabama (Mr. EVERETT), for his hard work and his willingness to work in a bipartisan way to achieve what I consider to be a very significant mark for the Strategic Forces Subcommittee; also, the members of the subcommittee and our fabulous staff.

Madam Chairman, this bill is a bill that I have worked on with my colleagues to incorporate four priorities into the bill before the House.

First, this bill aims to create a public discussion about nuclear weapons by

establishing a congressionally appointed bipartisan commission designed to reevaluate U.S. strategic posture. This commission would provide valuable recommendations to Congress regarding the proper mix of conventional and nuclear weapons needed to meet new and emerging threats.

Second, the bill slows the Department of Energy nuclear weapons initiatives. We limit reliable replacement warhead funds to design and cost study activities and eliminate funding for the proposed Consolidated Plutonium Center. Instead, we increase funding to strengthen the Stockpile Stewardship Program, as well as the weapons complex.

Third, the bill funds ballistic missile defense systems that will protect the American people, our deployed troops, and allies against real threats while shifting resources away from longer term, high-risk efforts.

It fully funds the Army missile defense budget request for the Patriot PAC–3 missile, including funding for the Patriot ''Pure Fleet'' initiative.

It fully funds the Ground Based Missile Defense System to protect the United States against a potential threat from North Korea or Iran.

It includes funding for Aegis BMD and fully funds THAAD development and deployment.

Finally, we are boosting funding for space capabilities that deliver near-term benefits to the warfighter and improve space situational awareness and survivability.

Madam Chair, this bill strikes a balance between near-term needs and long-term investment, and it creates the means to help bring our nuclear weapons policies into the 21st century. I urge my colleagues to support this bill.

Mr. SAXTON. Madam Chairman, I yield 4 minutes to the ranking member of the Terrorism Subcommittee, the gentleman from Texas (Mr. THORNBERRY).

□ 1500

Mr. THORNBERRY. Madam Chairman, I thank the gentleman for yielding.

Madam Chair, I want to express my strong support for that section of the bill which was produced by the Terrorism and Unconventional Threats and Capabilities Subcommittee. I especially appreciate the efforts and cooperative spirit of the chairman, ADAM SMITH, and the work of the subcommittee members and the staff.

As he mentioned a few moments ago, that section of the bill supports the 5-year growth plan for the Special Operations Forces, which was recommended by the 2005 QDR. It also improves the Department's ability to harness technological innovation and funds the Defense Advanced Research Projects Agency, DARPA, as well as other basic research in the Department.

Madam Chair, as we discuss the various sections of this very large bill, I also think it is important that we step back and remember the broader context in which we operate. One is that we face a ruthless, determined, adaptable adversary who at this moment is concentrating their efforts in Afghanistan and Iraq, but poses a threat to us and our allies all over the world. We live in a world where technology that can destroy massive numbers of human lives is spreading around the world, and some of the places where that technology exists are not as politically stable as we would like.

We face threats to our country using some of the very technology we rely upon, whether it's satellites or whether it's the Internet; and in the face of all that, we have national security structures that were developed during the Cold War. And as with all large organizations, the Department of Defense and other government agencies have a difficult time adapting.

It may be that the most important part of this bill is the funding of a study to recommend changes in the National Security Act of 1947, which will help us be better organized and better adaptable for the security challenges in the future.

Madam Chair, I'd like to make one other point that concerns me about the broader national security context in which we operate. There is much that is in this bill that is very good. We will debate some important amendments and a lot of amendments that are not that deal with smaller issues, and then I expect that this bill will pass by a very large vote.

And then next week or the week thereafter, we are going to have another vote that will undercut much of the good that is in this bill by giving hope to our enemies and discouragement to our friends. This Congress will pat itself on the back for passing a pay raise for the troops, but then it will tie the hands of the commanders who are sent to implement the Nation's strategy.

This Congress will make the job of the military in fighting terrorists in key places harder by the political debate and by the actions we take; and so I would encourage Members to read and study ''Unconventional Warfare,'' and I think they will find, as one writer put it, that it uses all available networks, political, economic, social and military, to convince the enemy's political decision-makers that their goals are unachievable or too costly.

And so, Madam Chair, it would seem to me to be a sad day if this Congress takes action that undoes the good that our military does every day on the ground, the achievements that they win in the field; and yet I fear, by some of the votes that we've taken, that may be dangerously the direction we may be headed.

Mr. SAXTON. Madam Chairwoman, I yield the remainder of this minute to the gentleman from Georgia (Mr. WESTMORELAND) for purposes of a motion.

MOTION TO RISE BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Ms. ESHOO). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND).

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

Mr. WESTMORELAND. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman withdraw his point of order?

Mr. WESTMORELAND. No, Madam Chairman, I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 358]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra

Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

□ 1528

The Acting CHAIRMAN. On this quorum call, 407 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 213, answered ''present'' 1, not voting 37, as follows:

[Roll No. 359]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
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
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—213

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
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
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn

ANSWERED ''PRESENT''—1

Spratt

NOT VOTING—37

Abercrombie
Bordallo
Brown-Waite, Ginny
Cantor
Capps
Coble
Cubin
Davis, Jo Ann
Delahunt
Dicks
Engel
Faleomavaega
Farr
Herger
Jefferson
Kilpatrick
Lampson
Larson (CT)
Lofgren, Zoe
McCrery
McMorris Rodgers
Meeks (NY)
Miller (FL)
Miller, George
Nadler
Norton
Olver
Perlmutter
Peterson (PA)
Schakowsky
Smith (WA)
Sullivan
Thompson (MS)
Van Hollen
Weldon (FL)
Woolsey
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1538

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, may I inquire as to the time remaining on each side on general debate, please.

The Acting CHAIRMAN. The gentleman from Missouri has 24½ minutes remaining. The gentleman from New Jersey has 21 minutes remaining.

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

This is deadly serious business, Madam Chairwoman. I have witnessed here the number of procedural motions, which I have refrained from commenting upon, but this is deadly serious business.

This is a bill to authorize funds for the United States military. That is our constitutional job to do. And procedural motions are fine, but let's get on with taking care of the troops and giving them their pay raise and the medical care and the equipment that they need.

As we say back in Missouri, "'nough said."

I yield 4 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I thank the gentleman for yielding, and couldn't agree more with his comments on how serious this authorization is and our duty to do what we have been sent here to do, especially today for our military.

So with that, Madam Chair, I rise to express strong support for H.R. 1585. And I want to thank the gentleman from Missouri (Mr. SKELTON), our chairman, and the ranking member, Mr. HUNTER, for the great job that they have done on crafting together a piece of legislation that is so vital and important.

Having said that, Madam Chair, in July of 2008, the Army will conduct a limited user test with soldiers from the Army Evaluation Task Force based at Fort Bliss using the first spinout of the FCS technologies. I know that the gentleman from Missouri understands how critical the first spinout of FCS technologies is for our Nation's warfighters, our warfighters that are currently at war in Iraq and Afghanistan.

So I would now like to yield to the chairman of the Armed Services Committee in the hope of entering into a colloquy so that he can discuss how the bill addresses this very important and vital issue.

I yield to the chairman.

Mr. SKELTON. Madam Chairwoman, I thank the gentleman for yielding. And first I want the gentleman from Texas to know how much the committee appreciates his strong support for our Nation's Armed Forces, particularly for the United States Army. He is just superb. The Army is bearing the brunt of the burden of military operations in Iraq, as well as Afghanistan, and our committee has worked to ensure that soldiers on the ground have the equipment they need to accomplish their mission and come home safely.

Beyond taking care of the needs of the warfighters in the field today, we must address the Army's long-term modernization and readiness requirements. That is why the bill before us here today fully funds the most critical elements of the Future Combat Systems program, which will keep the program on track to conduct the limited user test next summer.

While the bill cuts some funding for some redundant programs and overhead costs, along with parts of the program which are not scheduled to be fielded until 2015, the $2.8 billion in the bill includes full funding for all Spinout 1 activities, allowing them to continue as planned.

I want to assure the gentleman from Texas that we will continue our efforts to balance the Army's immediate near-term as well as long-term needs as we work through the conference process. As Congressman ABERCROMBIE said last week during consideration of the bill in the committee, finding that balance is a work in progress.

To the gentleman from Texas, you have my assurance that we will provide funding for the FCS program so that the Army can move forward with modernizing its equipment and its networks.

As we focus our efforts, as we focus our dollars on today's soldiers, we can't shortchange our future forces.

Mr. REYES. Reclaiming my time. I thank the gentleman for his efforts in support of our military forces. Our soldiers, sailors, airmen, and marines have no better friend in Congress than IKE SKELTON; and on behalf of the Fifth Brigade of the First Armored Division at Fort Bliss, I want to thank the chairman for his assurance that their work in support of FCS and Army modernization, as they prepare for the test event next summer, will not be affected by the bill that we are debating today.

FCS represents the cornerstone of the Army's modernization plans, and I appreciate the chairman's understanding of the need to continue investing in the Army's future even as we face the challenges of today's wars in Iraq and Afghanistan.

Mr. SKELTON. Madam Chair, I reserve the balance of my time.

Mr. SAXTON. Madam Chair, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member of the Oversight Subcommittee.

Mr. AKIN. Madam Chair, one of the things that you can be only an amateur student of are various battles, or military history, and it becomes immediately obvious, the importance of information. Just randomly, you can think of Pearl Harbor, knowing whether the Japanese are coming. Or, particularly, the Battle of Midway, where you have the Japanese force, far superior to the American force, but the Americans knew where the Japanese aircraft carriers were and the Japanese only knew where one of the American aircraft carriers was. As a result, America won that significant Battle of Midway, even though we had an inferior force, based on information.

Now, I have heard discussion about how proud we are of Future Combat Systems, which is a fancy word for a computerized system to help our warfighters have the information that they need in order to do their job. That program is the first major Army modernization program in 40 years, and under this bill, it is being cut by 25 percent.

□ 1545

This was not a feel good kind of vote. This was a strict party-line vote, the Democrats voting to cut it by 25 percent, the Republicans trying to restore funds and being turned down in that request.

Now, when you cut a program by 25 percent, particularly as complicated as this is with all the computers that are talking to each other, the software, the communications disciplines and the platforms involved, that is a significant change and a significant slowdown to a very important part of our future, and that is the ability to have real-time, online information for our warfighters.

This is not just important to the Army, as important as it is to the Army, because the Marines and the Navy are going to be waiting also for perhaps a lot of this software to be the prototype for their systems that they develop later. So what we are doing is basically pushing back, slowing and delaying and cutting down 25 percent, or $867 million, from this program. We have tried to replace those funds some, with some things that are completely not necessary, such as a high speed boat for the Army, which hasn't even been designed, and have been turned down and not even allowed to offer that amendment here on the floor.

Now, who is it who is going to pay for this degradation of the modernization of our Army? It is going to be our sons and daughters, my own sons that are involved, and this is not a good thing. This is not a good trade-off. We must advance the modernization. Information has always throughout history been critical to warfare. It is all the more so now.

And so I am strongly opposed to this significant cut and the hurting of our ability to get information to our warfighter.

Mr. REYES. Madam Chair, I now would like to yield 2 minutes to our friend and colleague from California, the gentlelady, Ms. SANCHEZ.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I would like to thank my chairman, Mr. SKELTON, for his really great work in producing a Defense bill with support from both sides of the aisle. It is commendable that Chairman SKELTON was able to pass this bill on a vote of 58–0, given the heated and the very polarized debates that we were having in the House Armed Services Committee, especially with respect to the war in Iraq.

And as Chairman SKELTON has repeatedly said, the purpose of this bill is to provide our troops with the equipment and the support that they need to carry out their mission.

I, for example, voted against granting the President the authority to use force in Iraq, and I have continued to question his repeated surges and his failing policies in Iraq. I have repeatedly asked the President to provide a plan to safely redeploy our troops to come home from Iraq.

But, having said this, until we can get our brave men and women home from Iraq, we must provide them with what they need to perform their mission. And that is what this bill does. At the same time, it asks the tough questions of the Defense Department and of this President.

One question, for example, that I have for the Department of Defense that I have been asking over and over for the last 4 years, what happened to the approximately 329,000 Iraqi security forces that had been trained? Specifically, where are they assigned? Are they reporting for duty? Or are they now working for the insurgency? And this bill asks that question.

The Defense authorization bill as a whole asks for accountability and for oversight from the President and from the Department of Defense. And I ask my colleagues to stand together and to pass this bill.

Mr. SAXTON. Madam Chairlady, I'd like to yield 3 minutes to the gentleman from Minnesota, who joined this House several years ago after having spent 25 years in the Marine Corps, Congressman JOHN KLINE.

Mr. KLINE of Minnesota. Madam Chair, I'd like to take this opportunity to thank the committee members and Chairmen SKELTON and SNYDER for their support of the Yellow Ribbon Reintegration Program in this year's Defense authorization bill in the en bloc amendment. Inclusion of this program in the bill will move us forward as we seek to fill a gap that has only widened as our Nation has come to rely increasingly on the National Guard and Reserves to assist in combat operations.

Based upon his experiences as a returning Vietnam War veteran, Minnesota National Guard Adjutant General Larry Shellito took the lead to build a reintegration program for returning Guardsmen who lack the established support infrastructure of their active duty counterparts. General Shellito and the Minnesota National Guard leadership have developed an innovative program to change how returning soldiers and airmen are reintegrated back into their communities.

Through experiences drawn from the deployments of smaller units to Iraq and Afghanistan and Kosovo, they developed a unique combat veteran reintegration program with a focus on supporting soldiers and their families throughout the entire deployment cycle. This multifaceted program includes workshops for families and communities to help them for their servicemember's return and training events at 30, 60 and 90-day intervals for servicemembers following their demobilization.

The training events have given Guardsmen and Reservists the opportunity to engage VA and health care representatives, while also allowing platoon sergeants and commanders to check in with their troops. Experience has shown that catching signs of post-traumatic stress disorder, substance abuse, or even marital problems early can prevent even more severe problems in the future.

I believe the Yellow Ribbon Reintegration Program represents the best ideas of not only Minnesota but also States and territories throughout the Nation that have stepped in to provide reintegration services to their troops.

As envisioned, the Yellow Ribbon program included members of the other Reserve components in only a voluntary, unpaid status due to financial constraints. So I would like to thank Chairmen SKELTON and SNYDER for their support in finding the additional funding necessary to expand this program beyond the National Guard to all Reservists.

Let me just close by saying that this program has the support of Lieutenant General Blum, the chief of the National Guard Bureau and many other organizations, the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, the Naval Reserve Association, the Noncommissioned Officers Association, and the Retired Enlisted Association. I will submit those letters for the RECORD.

Again, I would like to thank Chairmen SKELTON and SNYDER for their hard work in making this possible.

DEPARTMENTS OF THE ARMY
AND THE AIR FORCE,
Arlington, VA, May 4, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLINE: As you describe in your letter, the Minnesota National Guard's ''Beyond the Yellow Ribbon Reintegration'' program does a great job filling the gap in transition assistance services experienced by all Reserve Component members returning from a combat deployment. I consistently hear from Adjutants General, our troops and their families that the current transition program conducted at the active component demobilization station doesn't well serve the needs of the National Guard and the other Reserve components.

We see, for example, that many DD Form 214, Certificate of Release or Discharge from Active Duty, prepared at the active duty demobilization station contain significant errors and require correction at the home station. As you know from your own military experience, the DD 214 is an essential ticket to access veteran's benefits. The time required to correct these forms is a burden on our veterans. Like the rest of the transition assistance program of health care, education, VA and employment counseling, Minnesota, among other states, has demonstrated that it can be provided better at the home station.

Several states participated in a National Guard-wide working group convened last fall to capture the best practices nationwide. The recommendations of that working group echo the results of previous twenty-four months of DoD working groups in which my staff has participated. We have just begun another DoD working group, this one chartered by Congress on the subject of Guard and Reserve transition to civilian employment. That report is due to Congress in October 2007. There are several very effective programs in our States to model—the solution set to this issue is well defined. The National Guard Bureau has well documented lessons learned from studying this issue. The need for more time to accomplish transition assistance at the home station is clear.

Providing a better transition and reintegration experience for our Guardsmen is a top priority for me and Lieutenant General Clyde Vaughn, the director of the Army National Guard. There are currently 37,000 Guardsmen deployed to fight the war on terror. It's expected that another 60,000 will deploy within the next 18 months. Almost a full third of the National Guard and their families will require transition assistance in the near term. A national program, implemented swiftly, would arrive just in time for them. I salute and appreciate your continuing interest in the welfare of our National Guardsmen.

Sincerely,

H. STEVEN BLUM,
Lieutenant General, U.S. Army,
Chief, National Guard Bureau.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, May 8, 2007.

Hon. JOHN KLINE,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE KLINE: Since the first militia units were formed in Massachusetts on December 13, 1636, the National Guard has been an indispensable part of our nation's Armed Forces. Members of the National Guard have performed their ''federal'' mission with distinction in every major conflict.

Until recently, the National Guard was considered a ''Strategic Reserve.'' However, as the Cold War ended, troop levels in all of our Armed Services were reduced, resulting in the Guard representing a higher percentage of the Total Force. Terrorist attacks by Muslim extremists and other conflicts such as the Balkans, Afghanistan and Iraq have required the United States to take military actions, resulting in significant Guard ''call ups.'' The National Guard is now an ''Operational Force,'' a fact clearly articulated by all senior Pentagon leaders.

After risking their lives during deployments, our returning National Guard members often return to civilian life confronting health care issues, legal uncertainties, strained relationships, unemployment, depression, and Post Traumatic Stress Disorders requiring follow-on assistance.

NGAUS strongly supports H.R. 2090 now before the 110th Congress which seeks to strengthen and coordinate the programs and benefits available to National Guard members in the critical reintegration process.

We owe the young men and women, who are selflessly serving our states and nation, the tools and resources they need to reintegrate with their families and communities upon their return. Anything less is an abrogation of our responsibilities.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF, (ret.),
President.

ENLISTED ASSOCIATION OF THE
NATIONAL GUARD OF THE UNITED
STATES,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airmen in the Army and Air National Guard. With a constituency base of over 414,000 men and women, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, I'd like to offer our letter of support for H.R. 2090, the Yellow Ribbon Reintegration Program Act of 2007. Your legislation will establish a national combat veteran reintegration program to

provide National Guard members and their families with sufficient information, services, referrals, and proactive outreach opportunities throughout the entire deployment cycle.

The model of excellence which began in Minnesota will be a beacon of what right looks like for the rest of the nation. This legislation outlines the program and designates the resources that the National Guard will use to provide assistance where it is most needed.

Thank you for your continued support of our military and veterans. If our association can be of further help, feel free to contact our Legislative Director, SGM (Ret) Frank Yoakum.

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: On behalf of the nearly 362,000 members of the Military Officers Association of America (MOAA), I am writing to express our support for your bill, H.R. 2090, to improve transition services for returning National Guard and reserve veterans of the war on terror.

Nearly six hundred thousand of our nation's citizen-warriors have served on active duty since 9/11 and many thousands more are in the deployment pipeline for second or third tours. The special challenges of reintegrating them back into their communities are addressed in your legislation.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to provide reserve component combat veterans and their families the information, outreach support and services they need throughout the entire deployment cycle.

Traditional transition assistance programs (TAP) are not meeting the unique needs of our Guard and Reserve troops and their families. Your bill provides a funding network of support that will have a direct impact on the reenlistment and continuation decisions of overstressed citizen-warriors. Your bill supports military personnel readiness in the long war on terror.

MOAA strongly supports integrating your bill as an amendment to the House version of the National Defense Authorization Act for FY 2008 and expanding the program as quickly as possible to meet the needs of other mobilized reserve component troops.

Sincerely,

NORBERT RYAN, JR.,
President.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: On behalf of the 23,000 members of the Naval Reserve Association and 73,000 members of the Navy Reserve, I am writing to express our support for your bill, H.R. 2090, to improve transition services for returning Navy Reservist, and Reserve Component veterans of the war on terror.

Nearly six hundred thousand of our Nation's citizen-warriors have served on active duty since 9/11 and many thousands more are in the deployment pipeline for second or third tours. The special challenges of reintegrating them back into their communities are addressed in your legislation.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to provide reserve component combat veterans and their families the information, outreach support and services they need throughout the entire deployment cycle.

Traditional transition assistance programs (TAP) are not meeting the unique needs of our Guard and Reserve troops and their families. Your bill provides a funding network of support that will have a direct impact on the reenlistment and continuation decisions of overstressed citizen-warriors. Your bill supports military personnel readiness in the long war on terror.

The Naval Reserve Association strongly supports integrating your bill as an amendment to the House version of the National Defense Authoriztion Act for FY 2008 and expanding the program as quickly as possible to meet the needs of other mobilized reserve component troops.

Sincerely,

C. WILLIAMS COANE,
RADM, USNR (Ret.),
Executive Director.

NON-COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: I write on behalf of the Members of the Non Commissioned Officers Association to express our support of your bill, H.R. 2090, to improve transition services for returning members of the National Guard and Reserve veterans from America's war on terror.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to serve reserve component combat veterans, their families, and survivors with information, outreach support, and vital services they need throughout the entire deployment cycle.

Approximately six hundred thousand of our nation's citizen-soldiers have served on active duty since 9/11. Many of these members of the Guard and Reserve and thousands more are in the rotational deployment schedule for a second or third tour. Your legislation is a remarkable step forward to address the transitional needs as they return to their communities.

Traditional transition assistance programs (TAP) do not meet the unique needs of members of the Guard and Reserve and their families. The funding network of support proposed in your legislation will directly impact reenlistment and continuation decisions of personnel overcome by the rigors of involvement in the nation's extended war on terror.

The NCOA would strongly advocate that your bill be integrated as an amendment in the House version of the National Defense Authorization Act for FY 2008. We need to ramp up programs to meet the needs of all mobilized reserve component personnel.

Sincerely,

RICHARD C. SCHNEIDER,
Executive Director for Government Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLINE: On behalf of the more than 100,000 members of The Retired Enlisted Association (TREA), their spouses and families, I am writing in support of your legislation, H.R. 2090, the Yellow Ribbon Reintegration Program Act of 2007. It has been obvious for quite some time that members of the Reserve Component of America's Armed Forces lack the same kinds of support programs when they return from overseas combat theaters that active duty personnel have. Your bill will go far in rectifying that lack of support and we whole-heartedly and enthusiastically support its passage.

Many of our members are retired from the Guard and Reserve components and they still care deeply about those who continue to serve. While the situation has changed dramatically in recent years, you may recall that in the past Guard and Reserve personnel were often treated as ''poor stepchildren'' when it came to benefits afforded them in return for their service to our nation. Now that they have become full operational partners of our nation Armed Forces, they must receive the benefits and services they need and deserve and your bill to establish a national combat veteran reintegration program will help accomplish that goal.

TREA strongly supports integration of your bill as an amendment to the House version of the FY 2008 National Defense Authorization Act and we look forward to its enactment into law in the coming months.

Sincerely,

LARRY MADISON,
Legislative Director.

Mr. REYES. Madam Chair, I now yield 2 minutes to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Chair, I rise in support of this bill which I believe merits the support of Members of both parties because it makes three strategic judgements that are very sound and very right.

First, it makes the judgment that the highest priority of the Congress should be the pay, the benefits and the well-being of the families of the men and women who wear the uniform of the country. Together, as Republicans and Democrats, we're doing more in this bill than we've ever done before to serve those needs.

Second, this bill makes the right strategic judgment to deal with the urgent present needs of men and women in theater in the field. Yes, this is at the expense of future systems that will some day aid our competitive edge. And I believe in funding those systems. But the choice we need to make today is the up-armored vehicles, the weaponry, the training, the support for men and women in Iraq, in Afghanistan, in the heat of battle today. This is the right strategic judgment.

Finally, this bill decides to take $764 million out of strategic missile defense, still giving the President 91.5 percent of what he asked for, and spending the money on securing loose nuclear material in the former Soviet Union, spending the money on converting reactors that could be turned into bomb material in the former Soviet Union. These threats were identified as the principal threat to the national security by the 9/11 Commission. This is the right strategic judgment.

For these and many other reasons, I would urge both Democrats and Republicans to vote ''yes'' on this very fine bill.

Mr. SAXTON. Madam Chairlady, I'd like to yield 4 minutes to the ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Chair, I come to the floor once again to defend veterans and the country. And I'm also equally disappointed that there are not many veterans willing to stand in the well against provisions in the Defense bill that would increase the price of prescription drugs in the VA.

Now, why don't I have enough friends in the well? Well, they're going to have to answer for themselves for that question.

But what is occurring here in the House is an assault upon drug manufacturers in the country. There is this quest and design that, let's get what available drug there is out there to everyone at the lowest price. How wonderful that would be.

We, in this country, have a unique system. It's called the free market. It's called capitalism. We say unto the world, bring your greatest minds to America. You can go to the capital market, you can make an investment at risk to press the bounds of science that will increase the quality of life of our people and those around the world.

Yet, there's an assault upon that system. The assault continues. It began in January whereby the Democrat majority wanted to extend Medicare drug pricing by saying, let's take the VA Federal Supply Schedule and extend that into the Medicare. Bad idea. Democrats tried that back in 1990 and found out that, whoa, that increased drug prices to veterans, and repealed it. But they passed it again in January.

Now, what did they do in the Defense bill? In this Defense bill they've now taken the extension of the Federal Supply Schedule and extended it into the retail drug pharmacy benefit.

When I did the redesign of the TRICARE pharmacy benefit in the Department of Defense, I created not only the retail network pharmacy benefit, I created the out of retail network pharmacy benefit, and at no time did I ever, ever, believe that we would extend Federal Supply Schedule into the TRICARE pharmacy.

So what is about to happen? When you take the system in the VA and you extend that, and you create the pool and make it larger, you are cost shifting. And when you cost shift, you're going to increase these prices in the VA.

Now, in the VA that's about 7 million veterans. It's about 1 percent of the market. You say, oh, Steve, that's not a big number. Well, it is ironic to me how Members will pound their chests and say, well, you know, I said no to an increase in a pharmacy copay, but they're about to vote ''yes'' to increase drug prices for veterans when they vote for this Defense bill. This is wrong, and it should not be done, and I'm appealing to Members not to do this.

And I am disturbed, disturbed that my good friend, IKE SKELTON, denied two of my amendments. I've worked for 15 years with Chairman SKELTON on many, many different issues, and I am stunned that he would deny my opportunity to offer two amendments.

One was very simple. It would be to have the Secretary certify that before he could implement this program you have to certify it will not increase prices on the VA. Why would you deny that amendment?

They are going to deny the amendment because they know, going into this, that the creation of this program is going to increase prices on veterans. I just cannot believe we're about to do that here.

Secondly, we should listen to the experts. If you're about to deny a particular drug under the formulary on TRICARE, you'd better have a pretty good reason, and we ought to be able to go to the committee to do that. But they're not going to do that. At this point I am pretty disturbed.

□ 1600

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

Mr. SNYDER. Madam Chairman, I yield 1½ minutes to my colleague the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Chairman, I rise today in support of H.R. 1585.

This legislation recognizes the extraordinary efforts by our servicemembers and makes great strides towards resetting our force and ensuring our overall readiness. However, it is only the beginning.

We know that part of readiness is having a military health care system that understands the strains on our force and is capable of handling the mental health needs of our servicemembers both at home and abroad. If we are going to deploy our men and women at the current pace, we must, we must, make sure we understand the consequences of our policy decisions. We must prepare our troops for the stress of service in theater.

I agree with General Petraeus, who recently spoke in favor of redoubling our education efforts to identify potentials for abuse among our servicemembers. The recent Army study indicating tolerance of torture among some of our troops shows why we need to do more.

Through mental health provisions in this bill, Congress has begun to ask important questions, important questions about the results of war and developing best practices for identifying and treating combat-related stress disorders.

I strongly urge my colleagues to vote in favor of this legislation.

Mr. KLINE of Minnesota. Madam Chairman, at this time I am pleased to yield 3½ minutes to my friend and colleague, the gentleman from Georgia, Dr. GINGREY, a member of the Armed Services Committee.

Mr. GINGREY. Madam Chairman, I thank the gentleman from Minnesota for yielding.

I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I would like to say a special thanks to Chairman SKELTON, my good friend, and also to Ranking Member HUNTER, as well as Subcommittee Chairman ABERCROMBIE and Ranking Member SAXTON, for their tireless efforts in support of our soldiers, our sailors, our airmen, and marines who are bravely defending us both at home and abroad.

Madam Chairman, while not a perfect bill, this legislation covers a wide scope of issues that are vitally important to our armed services, both active and reserve components, and clearly meets the immediate needs of the warfighter.

From a 3.5 percent across-the-board pay raise to an additional $4.1 billion for the MRAP, Mine Resistant Ambush Protected vehicles, this legislation addresses the most pressing needs of our troops during a very, very trying time for this country. I am further pleased that the bill provides for an increase of 13,000 Army and 9,000 Marine Corps active-duty personnel, as well as $1 billion for National Guard equipment.

While I applaud the work of the committee in addressing pressing readiness issues, I am very concerned, Madam Chairman, about the deep cuts to missile defense and, of course, the Army Future Combat Systems. A viable missile defense system is critical to deterring and countering emerging threats to our national security, especially as Iran and North Korea develop their nuclear capabilities. I look forward to working with Chairman SKELTON and Ranking Member HUNTER and the rest of the committee as this bill moves forward to address these program needs.

I am pleased, however, that the Armed Services Committee voted unanimously on a bipartisan basis to support another program critical to our national security. Madam Chairman, that is section 1243 of this bill. It affirms that WHINSEC, the Western Hemisphere Institute for Security Cooperation, is effectively accomplishing its mission and expresses that because of this success, the Department of Defense should continue utilizing this program to promote security cooperation with Latin American countries.

Those who have been taking the time to visit WHINSEC at Fort Benning in Columbus understand the critical importance of this program. By virtue of WHINSEC, the United States is able to engage the military and the security forces of Central and South American countries in a forum where they will be able to learn our values regarding democracy and human rights, especially now human rights, while also being trained in counter-narcotics and counter-terrorism tactics.

It is so important to remember that this may be the only medium we ever have to engage the future military and political leaders of these Latin American countries, who are America's closest neighbors; and they can serve as

our closest allies. If we were not to engage with these nations, we would be abandoning our most effective means of developing relationships with the security forces of Central and South America. The void created would be filled by countries with different values than our own regarding democracy and human rights, countries, Madam Chairman, such as Venezuela and China, whose influence in the region is growing. And, therefore, I am glad that the Armed Services Committee stands behind WHINSEC.

Madam Chairman, there is much to be proud of in this bill, and I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter, a fact I hope is not lost as we progress through the amendment process.

I urge all my colleagues to remember the importance of a strong national defense and to prioritize that over partisan issues which divide us.

Mr. KLINE of Minnesota. Madam Chairman, I yield to the gentleman from Indiana (Mr. BUYER) for the purposes of making a motion.

MOTION TO RISE OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

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

Mr. BUYER. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Indiana withdraw his point of order?

Mr. BUYER. I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 360]

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 2 minutes remaining to register their vote.

□ 1629

The Acting CHAIRMAN (Mrs. JONES of Ohio). On this quorum call, 403 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Indiana for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 217, not voting 42, as follows:

[Roll No. 361]

AYES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
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
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner

Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—217

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—42

Abercrombie
Bachmann
Blumenauer
Boehner
Bordallo
Buyer
Calvert
Cantor
Christensen
Cubin
Davis, Jo Ann
Dingell
Doyle
Engel
Faleomavaega
Gilchrest
Goodlatte
Harman
Hastert
Herger
Holden
Hunter
Johnson, E. B.
Larson (CT)
Lewis (GA)
McMorris Rodgers
Miller (FL)
Miller (NC)
Miller, George
Nadler
Norton
Payne
Peterson (PA)
Putnam
Reynolds
Roskam
Ryan (WI)
Skelton
Stark
Whitfield
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1638

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY), a member of the Armed Services Committee.

Mr. COURTNEY. Madam Speaker, in 2001, when President George Bush took office, the size of the United States Navy consisted of 315 ships and submarines. Today, the size of that Navy has fallen to 276 ships and submarines. Despite this shocking decline and the damage, the damage, that it has done to our shipbuilding base in this country, the President continued to propose a shipbuilding budget this year which will continue that deterioration.

If his shipbuilding plan continues, for example, the size of our *Virginia*-class attack submarine fleet will fall below 40 submarines, starting 7 years from now, and will stay there for 15 years. That is far below what the Navy has warned us is an acceptable level for a submarine fleet to meet its mission request.

I rise in support of this Defense bill because it will stop the decline that has occurred over the last 6 years of America's Navy and will invest $588 million in an advanced procurement for a *Virginia*-class attack submarine and stop the bathtub effect of the decline of the submarine production schedule which the President proposed.

Madam Chairman, I applaud Chairman SKELTON and Chairman TAYLOR for their efforts to restore the size of our Navy.

Mr. KLINE of Minnesota. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Thank you, Congressman KLINE. Thank you for your leadership and your service in the Marine Corps of the United States. Thank you for your family's participation, serving today as part of our effort overseas. I am very proud of your son's service. We are very grateful to the Kline family of Minnesota.

I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, and its provision for authorizing additional troop strength for both the United States Army and Marine Corps. I appreciate Chairman IKE SKELTON and Ranking Member DUNCAN HUNTER's work in crafting this legislation.

As directed by the House Committee on Armed Services, in fiscal year 2008 the Army's end strength will be 525,400, a 13,000-person increase, and the Marine Corps' end strength will be 189,000, 9,000 more than last year.

As a member of the Armed Services Committee, as a 31-year veteran of the Army Reserves and Guard, and, most importantly, as the proud parents of four sons who are serving in the military today, I know firsthand of the extraordinary opportunities of military service.

Increasing the size of our military is imperative in our fight to win the global war on terrorism. By ensuring we have an adequate number of soldiers, we can decrease troop deployment time and increase training and readiness, thus improving our military's capability and effectiveness.

The bases I directly represent, Fort Jackson for the Army and Parris Island for the Marines, are producing the best professionals to protect American families in the world. I am particularly pleased that the effort to increase troop strength is bipartisan. I have been impressed that last year Congresswoman ELLEN TAUSCHER of California introduced legislation for troop strength increase.

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

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend, the gentlewoman from New Hampshire, Ms. SHEA-PORTER.

Ms. SHEA-PORTER. Madam Chairman, I was honored to be a military spouse, and I am now honored to be in the House of Representatives and on the Armed Services Committee.

I stand here today in support of this bill. This bill takes care of our military men and women and it also takes care of their families. It provides a raise for the military that is long overdue. It provides for their housing. It takes care of our military and our families. And it cares for those who are injured, especially brain injuries, which we are concentrating on now.

It helps rebuild the military. Our military has been weakened by the war in Iraq, and it is now time to support these people. So I am very proud to stand here.

It also takes care of the National Guard. It will provide a fourth star for the National Guard so they will have a seat at the table to talk about the policy in the United States. The National Guard deserves this. They also have an increase in the budget of $1 billion.

So I am proud here as a member of the Armed Services Committee to lend my support to this and to urge my colleagues to vote for this.

□ 1645

Mr. KLINE of Minnesota. Madam Chair, I yield 3½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Thank you very much for yielding.

I am back on the floor, and I am here to make an appeal to my good friend, IKE SKELTON. I am here to make an appeal, Mr. Chairman, because I need you to help me. Help me understand why I shouldn't be so upset here today. You have a provision in the bill that is going to open up the Federal Supply Schedule and extend that pricing into DOD whereby when you do that we expand the pool. When you expand the

pool, you cost shift. Not only do you cost shift, you are going to increase pharmaceutical costs onto 7 million veterans.

So our history here is that it was a Democrat-controlled Congress back in 1992 that said we are going to create the Federal Supply Schedule and we are going to do this cost control. Why? Because if anyone is entitled in our society to have this benefit, it is our disabled veterans. Then what happened? Then in the 1990s we sort of reformed eligibility with regard to the VA and expanded that criteria so the Federal Supply Schedule expanded beyond the disabled veterans now to all veterans.

And now what has happened, you want to expand it, Chairman SKELTON, into the DOD TRICARE pharmacy benefit program. When you do that, we are going to increase the price of prescription drugs for veterans.

Do not go home and pound your chest and say I am denying increase in copays when you are about to vote for increases in drug prices for 7 million veterans.

Chairman SKELTON, I offered two amendments before the committee, and they were both denied.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to direct their comments to the Chair, not to another Member in the second person.

Mr. BUYER. Madam Chairman, I offered two amendments directly to the Rules Committee asking one of my colleagues, who is the chairman of the Armed Services Committee, to do these amendments, and they were denied. It was dumbfounding to me.

Mr. KENNEDY. If the gentleman would yield and answer how it would raise the cost to veterans and explain how it would, that would be helpful.

Mr. BUYER. Sure. If Federal discounts expand, price levels would be pushed up, the VA would pay a higher price for the drugs it provides to veterans. So this would place an increased pressure on the funding of veterans health care.

Mr. KENNEDY. According to whom?

Mr. BUYER. GAO even did an analysis of the expansion.

We asked them to look at it with regard to Medicare, when you tried to do it on Medicare, and pass the House. We know that any time you expand Federal pricing and you increase the pool, drug prices in fact will go up.

As a matter of fact in 1990, talk to Chairman JOHN DINGELL because he passed that back in 1990, and they realized they made a mistake and it increased the price on veterans, and we had to repeal it. I ask you to talk to Chairman DINGELL.

Mr. KENNEDY. Well, I am sure the pharmaceutical industry would tell you that because they have a lot to lose by expanding it.

Mr. BUYER. I reclaim my time. Who has a lot to lose? We all have a lot to lose. If you want to open up and do price controls in pharmaceutical manufacturing, we all lose as a society. We will all lose.

MOTION TO RISE OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN. Does the gentleman from Minnesota yield for purposes of that motion?

Mr. KLINE of Minnesota. Yes, I yield for purposes of the motion.

The Acting CHAIRMAN. The question is on the motion to rise.

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

Mr. BUYER. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Indiana withdraw his point of order?

Mr. BUYER. I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 362]

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

□ 1713

The Acting CHAIRMAN. On this quorum call, 398 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Indiana for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 221, not voting 28, as follows:

[Roll No. 363]

AYES—188

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
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Lewis (CA)
Lewis (KY)
Linder
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Schwartz
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Sires
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Smith (WA)
Snyder
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Space
Spratt
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Tanner
Tauscher
Taylor
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Towns
Udall (CO)
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Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
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Davis (AL)
Davis, Jo Ann
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Honda
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McMorris Rodgers
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Nadler
Norton
Payne
Peterson (PA)
Watson
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1723

Mr. OBEY changed his vote from ''present'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield 2 minutes at this time to the gentleman from Georgia, my friend, Mr. MARSHALL, who is also a member of the Armed Services Committee.

Mr. MARSHALL. Mr. Chairman, I very much appreciate the job that you and the ranking member and the staff and members of the committee have done in putting this bill together. It is an appropriate balance.

Madam Chairman, the bill appropriately balances the needs of all of our branches and all of the different defense needs that we have, both present and future, whether it's in space or land or air or on the water. What I want to particularly mention is that part of the bill that contemplates the kinds of conflicts that we are likely to have in the future and how we need to organize ourselves to better address those conflicts.

We have found, with our experience in Afghanistan and Iraq most recently, but historically with our experience in Vietnam, that our conventional force has a very difficult time dealing with the kind of conflicts that we are seeing in Iraq, Afghanistan, and the kind of conflict that we saw in Vietnam.

In Vietnam and today, we learned lessons, and those lessons are reflected in some of the things that we have in the committee's report and in the bill itself. We contemplate, for example, that in the Special Operations Command, more emphasis will be placed upon special forces and building partner capacity and developing partnerships globally that can enable us to work effectively with indigenous populations since, frankly, those indigenous populations are the ones that are going to have to be principally responsible for security issues within those countries.

We are in a new era here across the globe. Angry individuals have access to information that can enable them to develop very lethal weapons. Robert Wright describes this as the ''growing lethality of hatred.'' It's a new era. It requires a new approach.

I think this bill heads in that direction, and I expect over the future years will head even more in that direction. That approach has to involve effective partnerships with security forces worldwide to keep an eye out for the kinds of threats that can be brought home to the United States.

I thank the gentleman for his leadership.

Mr. HUNTER. Madam Chairman, I think we only have about 2½ minutes left on this side. I would continue to reserve and ask my good friend from Missouri to recognize some more of his speakers.

Mr. SKELTON. Madam Chairman, I yield 1½ minutes to the gentleman, my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS), who is also a member of the Armed Services Committee.

Mr. CUMMINGS. Madam Chairman, I rise today in support of the National Defense Authorization Act. This legislation is of vital importance, because it ensures that the Department of Defense has the funding necessary to replenish the depleted resources of the U.S. military and provides accountability standards as our military operations continue in Iraq. One of the critical issues we addressed in the House Armed Services Committee was the need to support our troops in combat operations.

We accomplish this task by providing $141.8 billion in emergency supplemental spending, which will provide for new combat vehicles and armor that will protect our men and women in uniform from traumatic brain injuries and

increase their overall survival rate. Additionally, this bill safeguards and enhances access to care and treatment programs for our injured servicemembers under the auspices of the Wounded Warriors Assistance Act.

Finally, we address the need for oversight and accountability standards for our military operations in Iraq. Congressman DAVID LOEBSACK and I have an amendment included in the bill that requires Secretary Gates, General Petraeus and Ambassador Crocker to submit reports to the Congress on the status of the implementation of the Joint Campaign Plan.

I urge my colleagues to vote in favor of this critical defense bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. First, I, too, would like to join with others in our appreciation of Chairman SKELTON and Mr. DUNCAN for their good work, 58 unanimous votes coming out of committee. That says a lot.

Madam Chairman, I think it's important for us to realize some things in the future that are going on with our forces that many of us who participated over the years, you and I, have got some concern about, that's readiness.

If you haven't talked to your adjutant generals back in your home State, you ought to do that. You ought to have a talk with them, because it's something we ought to address. I know the ranking member and chairman understand this, but we have to do it. You have got a good bill. You have done what we ought to do.

We have to think about what happens next. I think we have to realize that there is some disparity about what is going on, even in the Iraq operation, because we have to figure out what we want to do in the future. What do we want as the policy, as the structure, as we think about the added forces that we are going to have to do.

We think about deployment. You know, they tell me that about 80 percent of the casualties over there, and probably some of you have more accurate information, are from the infantry. But they are only about 20 percent of the force.

You think about that, there's something going on here that's evolved in all of this that we haven't really addressed. We are thinking about the dearth of those who are reenlisting in the very important rank, the backbone of the Army, and I would guess the Marines as well, and that's the E–6. There are more of those that are doing the leadership positions throughout a various variety of things, as well as the O–2s and O–3s.

□ 1730

And those are young people, younger people, who have got some amount of service, but they have got to talk to their families about reenlisting and continuing on. They are not staying, and this ought to be a concern. We have got to address that, and we have got to do that in the very, very near future.

So we have to sit down and say, what is our structure, what is our policy, before we go ahead and do the things that we have to do.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, I want to acknowledge Chairman SKELTON and Ranking Member HUNTER for their good work on this bill.

This authorization has very strong provisions on mental health, a number of them addressing the stigma issues regarding mental health, identifying the reintegration needs of our Reservists. Our Reservists make up nearly half of those fighting on behalf of the war on terror.

Mental health nurse practitioners: It establishes a nurse practitioner graduate education program in the Uniformed Services University of Health Sciences program that includes psychiatric mental health practices.

It has mental health counselors who can now be reimbursed by TRICARE for services provided to our troops and their families. These counselors are cost-effective and ready to serve the families of our servicemembers as well as our servicemembers themselves.

Also, we have the Mental Health Initiative that will coordinate the Department of Defense's research and development programs and provide opportunities for researchers to better improve identification and diagnosis of mental health problems.

Finally, we have the Psychological Kevlar, which will help us begin to prevent the post-traumatic stress disorder problems that we are seeing many of our soldiers come back from Iraq suffering from. It is important that we include in our basic training, before our soldiers go abroad, not only physical resiliency and training but mental resiliency and training, so that they are as prepared to defend themselves mentally as they are physically before it is too late, before they suffer the terrible psychological wounds that yield them so disabled in many respects after the war, when it is too late.

Finally, Madam Chairman, this bill includes provisions that will take account of measuring the quality and satisfaction of our military men and women in our military hospitals. We cannot wait for more of the kinds of Walter Reed anecdotal stories to rise to the surface before we begin to measure the quality and satisfaction in our military hospitals, and I am pleased to see this amendment adopted in the bill.

The authorization has very strong mental health provisions that will help address the stigma our troops confront in seeking mental health care, increase the number of mental health professionals to serve the mental health needs of our troops and their families, and advance research developed from the nation's academic and medical base to better improve DoD's mental health research and treatment programs.

Addressing stigma issues among reservists: The Secretary of Defense will establish a working group to identify the reintegration needs of our reservists. The working group will examine different programs operated by different services, States, and commands to help reservists. From there, it can identify best practices and develop plans to incorporate these practices across the military.

Mental health nurse practitioners: The establishment of a nurse practitioner graduate education program at the Uniformed Services University of Health Sciences. The program's specialties would include psychiatric mental health practice.

Mental health counselors: Mental health counselors can now be reimbursed by TRICARE for services provided to our troops and their families. The counselors are a cost-effective force ready to serve and help our service-members and their families.

Military mental health initiative: This initiative would coordinate the Department of Defense's mental health research and development programs and provide an opportunity for researchers to better improve the identification diagnosis, and treatment of mental health issues.

This plan will help incorporate evidence-based preventive and early intervention strategies into pre-deployment training, combat theater operations, and post-deployment service to strengthen our warfighters' psychological resiliency.

Introducing our soldiers to mental health care only after they have been exposed to combat is far too late. We need to familiarize our soldiers and their families with how to recognize and deal with the symptoms of combat stress and trauma—and the benefits of mental health care—from early on in their military career.

Our soldiers are trained from the moment they enter basic training or boot camp on how to physically protect themselves from harm.

We need to ensure that they are just as well trained in protecting themselves psychologically as well.

Mr. SKELTON. At this time I yield 2 minutes to my colleague, the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Madam Speaker, Mr. Chairman, I am here today in support of our Nation's veterans. The GI bill has provided education to many of our Nation's finest honorable men and women. But, unfortunately, there is a provision that excludes our National Guard and Reserve from receiving their GI benefits after they have left the military.

This amendment, which comes from bipartisan legislation that I have introduced on the same topic, will express the sense of Congress that we need to lengthen the period of time that a Guard or Reserve member has to take advantage of the GI bill after he or she completes their service to 10 years. Right now, when they leave the service they lose their educational benefits. If they are deployed, they lose those benefits shortly after they return.

We owe it to our National Guard and Reserve members to have up to 10

years to take advantage of the GI bill of education. This is similar to the benefits extended to active duty members of the military, and our National Guard and Reserve deserve the same benefit because the National Guard and Reserve are playing an ever-increasing role in combat. They are finding it harder and harder to achieve their degrees while enlisted.

Madam Chair, as a lieutenant commander in the U.S. Naval Reserve, I have witnessed firsthand the critical role the National Guard and Reserve play in our Nation's security. It saddens me to learn that the National Guard and Reserves have missed their recruiting goals for 2005 and 2006. The military provides immense benefits to those that sign up, but it cuts off the Guard and Reserve when it comes to education benefits. What better way to ensure our military remains an all-volunteer force by encouraging more people to join the Guard and Reserve?

As a former professor at Penn State, I understand the value of education and believe that an educated workforce is a better workforce for all of America. We want our brave men and women who risk their lives for our country to have access to education. Denying our National Guard and Reserve their education benefits is unfair to our troops, unfair to their families, and hurts our entire country. We should allow our troops to serve their country honorably, and then reward them with higher education when they are finished.

The National Guard and Reserve are becoming indistinguishable from active duty now, and they need this benefit. We owe it to our troops and their military families back home. I urge all Members to support it.

Madam Chairman, I am here today in support of our Nation's Veterans. The GI bill has provided education to many of our Nation's fine and honorable men and women. Unfortunately, there is a provision which excludes our National Guard and Reserves from receiving their GI bill benefits after they have left the military.

This amendment, which comes from the bipartisan legislation that I have introduced on the same topic, will express the sense of Congress that we need to lengthen the period of time that a Guard or Reserve member has to take advantage of the GI bill after he or she completes their service to 10 years. Right now, when they leave the service, they lose their education benefits. If they are deployed, they lose the benefits shortly after.

We owe it to our National Guard and Reserve members to have up to 10 years to take advantage of their GI bill education benefits. This is similar to the benefits extended to active duty members of the military. Our National Guard and Reserves deserve this same benefit. Because the National Guard and Reserves are playing an ever-increasing role in combat operations, they are finding it harder to achieve their degree while enlisted.

As a lieutenant commander in the U.S. Navy Reserve, I have witnessed firsthand the critical role that National Guard and Reserves play in our Nation's security. It saddens me to learn that the National Guard and Reserves missed their recruiting goals in both 2005 and 2006. The military provides immense benefits to those that sign up, but it cuts off the Guard and Reserves when it comes to education benefits. What better way to ensure our military remains an all volunteer force by encouraging more people to join the Guard or Reserves?

As a former professor at Penn State Worthington, I understand the value of education and believe that an educated workforce is a better workforce for all of America. We want our brave men and women who risk their lives for our country to have access to education. Denying our National Guard and Reserves their education benefit is unfair to our troops, unfair to their families, and hurts the entire country.

We should allow our troops to serve their country honorably and reward them with a higher education when finished. The National Guard and Reserves are becoming indistinguishable from active duty now. They need this benefit.

We owe this to our troops and our military families back home. I urge all Members of Congress who care about our troops and military families back home to vote in favor of this amendment.

Mr. SKELTON. Madam Chair, may I inquire on the time, and may I also inquire if the gentleman from California has additional speakers.

The Acting CHAIRMAN. The gentleman from Missouri has 2½ minutes. The gentleman from California has 2¾ minutes.

Mr. HUNTER. I want to thank all Members who participated in the general debate, and all the great subcommittee chairmen and ranking members, and the chairman of the committee for putting together this great bill, and will now enter the amendment process.

There is just one point that I wanted to make in listening to my colleague finish up in talking about the mental health of America's soldiers, sailors, airmen, and marines.

One observation that I have made over the years in being around people that wear the uniform is that while a number of the stresses and the difficulties that have been spoken of are real, it is also real that the coolest, calmest, most balanced, most stable American citizens, I believe, are the folks that wear the uniform in Iraq and Afghanistan. And while it is true that enemy fire can hurt you and damage you mentally as well as physically, it is also true that that fire can make you stronger.

Having spent time with guys like Chuck Yeager, guys like the great Vic Taylor, many others who have been under fire and in various situations in real combat in the world's wars, it has always occurred to me that the people who have the greatest mental stability are people that come out of the combat zones.

So I want to make sure that this debate doesn't send the message that somehow Americans who wear the uniform are victims, and that the inevitable result of their wearing the uniform and serving in combat is that they are going to somehow be damaged mentally, because that is not the case.

And I would just conclude by reflecting on the fact that I take a number of folks who are wounded in Iraq and Afghanistan hunting, which the Hunter family likes to do, and I take them hunting with my grandchildren. And there are few people that I will trust my grandchildren with, but the people I will trust my grandchildren with out in the great outdoors, with loaded weapons, are members of the United States Army and the United States Marine Corps who have been to combat. Those people have the greatest sense of balance and sense of judgment.

And, again, in my mind, America's citizens who are the coolest and the calmest under fire and have the greatest sense of balance and judgment are people that wear the uniform and have been in combat.

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

Mr. SKELTON. Madam Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, when speaking about mental health, we should be speaking about it in terms of a positive. That is what makes us stronger. I think when the gentleman says that when we speak about mental health, we want to be careful so as not to make people feel like they are victims, looks at it in a negative way.

Frankly, I am proud that at John F. Kennedy Special Warfare Center at Fort Bragg the Green Berets have insisted that they have psychiatrists on call 24 hours, 7 days a week, not because they are the weakest branch of the military, but because they are the strongest and they want to remain the strongest. And they know that if they are to remain the strongest, they don't want to be thinking about anything else in their mind when they use their sharpshooter and they are called to duty for this country, where they are going to parachute in and use their technical expertise they have been trained to do. They know that they want to be able to do that job sufficiently, and that is why they have had this important mental health allowed for them, and that is why I think it is so important to have these facilities available for them.

Mr. SKELTON. Madam Chair, we are nearing the end of the general debate portion of the consideration of this bill.

I want to thank my ranking member, my friend, DUNCAN HUNTER, for his hard work and for his cooperation in getting us to this point. And it was difficult at times, but we have gotten here. So I just want him to know that I am appreciative.

And I also want to say that the purpose of our affection and attention is the young men and young women in uniform. Despite all of the procedural motions that we have had, out of all of this at the end of the day, and maybe

at the end of tomorrow, we will have done an excellent job, because this bill is basically a very good bill for the defense and for the young people of our Nation in uniform.

So let's not forget the purpose of what we are doing here. Let's not forget that we are doing this in a bipartisan effort. Let's not forget that, at the end of the day, we will make America one major step safer by passing a good piece of legislation for our country.

Ms. SLAUGHTER. Madam Chairman, I am proud today to offer an amendment to H.R. 1585, the Fiscal Year 2008 National Defense Authorization Act, that will make certain the Niagara Falls Air Reserve base continues to play an integral role in our homeland defense.

The Niagara airbase is home to the 914th Air Reserve and the 107th Air Guard. Both units have been deployed to Iraq and Afghanistan, and are responsible for patrols over large metropolitan areas and key infrastructure throughout the Northeast and Midwest.

The value of the men and women serving at Niagara was clearly demonstrated during the tragic events of September 11th. The 107th was the first Refueling Wing to fly Combat Air patrols over New York City. In addition, a specialized unit of the 914th, trained in identifying and preparing the remains of disaster victims, was instrumental in the 9/11 recovery mission.

The 2005 Base Realignment and Closure Commission determined that the airbase would better serve our Nation if the 107th Guard unit became an Associate Air Wing of the 914th Reserve.

This is the first time in Air Force history that a Guard unit will associate with a Reserve unit. Predictably, the Air Force is facing a number of unprecedented challenges in attempting to shift assets around in order to meet the BRAC mandate.

I and the Western New York Congressional delegation have been working with the Air Reserve and the Air Guard for over a year and a half to determine the optimal allocation of aircraft at the base to ensure that both units can adequately complete their missions. The uncertainty surrounding what comes next at Niagara has created a lot of anxiety for the service members at the airbase and the Western New York community. The Air Force must determine a way forward with Niagara this year to ensure that the base continues to play a key role in protecting our Nation.

Accordingly, my amendment simply directs the Secretary of the Air Force to submit a report to the House and Senate Committees on Armed Services detailing the Air Force's plan for future aviation assets at the Niagara airbase. I want to thank Chairman SKELTON and his staff for working with me to draft this amendment, and I urge the House to adopt it.

Mr. ABERCROMBIE. Madam Chairman, I have the honor of serving as the Chairman of the Air and Land Forces Subcommittee.

This bill is about balancing the capabilities and readiness of our current military forces with future required military capabilities.

Our military personnel are at risk each and every day. Our first priority is to make sure our men and women in uniform are properly supported by ensuring our acquisition programs adequately support current military requirements.

We cannot shortchange the current force for promised future capabilities when we are losing people everyday in Iraq and Afghanistan.

The Air and Land Forces subcommittee's jurisdiction in this bill includes approximately $100 billion in Army and Air Force programs.

Our priorities do not always agree with those of the Pentagon, but our objective is clear—to do our very best to ensure our military personnel get the best available equipment as soon as it can be properly tested—armored vehicles; body and vehicle armor; improvised explosive device jammers, unmanned aerial vehicles, small arms, night vision equipment, and related equipment.

The bill addresses a number of key requirements:

H.R. 1585 provides $4.1 billion in additional funds to fully fund a tactical vehicle referred to as M-RAP, or Mine Resistant Ambush Protected vehicle, to better protect our personnel against mines and improvised explosive devices. The budget request included less than $500 million to meet this $4.6 billion requirement which, as of last week, is now Secretary Gates' number one priority.

Over a billion dollars is provided for Stryker combat vehicles.

The bill fully funds body armor, Up-Armored Humvees, Armored Security vehicles, and vehicle add armor kits at $5.4 billion.

The bill also provides $4.5 billion for programs established to counter improvised explosive devices.

An additional billion dollars is provided for funding of National Guard and Reserve Equipment.

Overall, the bill represents an increase of 40 percent for Army procurement accounts over last year's budget request.

Ten C–17 strategic airlift aircraft have been added to the bill at a cost of over $2.4 billion, to maintain the C–17 production line and sustain the strategic airlift fleet.

The Joint Strike Fighter competitive engine program has been funded at $480 million to provide two producers of engines for that program.

We have had to make some difficult choices to fund the highest priority programs and stay within the budget top-line. Some programs will have to make adjustments. We understand that, and will work together as the process evolves to ensure that these adjustments can be accommodated as best as possible. In closing, I again want to thank my distinguished chairman and ranking members of the full committee and our subcommittee.

This bill is deserving of a ''yes'' vote from every Member of this body.

Mr. MCKEON. Madam Chairman, I rise in support of H.R. 1585, the National Defense Authorization Act.

First, let me extend my thanks to Armed Services Committee Chairman SKELTON and Ranking Republican DUNCAN HUNTER for bringing this partisan legislation to the Floor today. The bill before us authorizes funding for our national defense programs in the coming year, including our military operations in Iraq and Afghanistan. It enjoys the support of both Republicans and Democrats on the Armed Services Committee, and in fact was reported out of committee by a unanimous vote. I am very pleased to note that while some circumstances have changed in this Congress, the Armed Services Committee remains one in which Members on both sides of the aisle remain committed to comity, bipartisanship, and the best interests of our Nation's defense and our brave men and women in uniform. I congratulate both Chairman SKELTON and Mr. HUNTER on their successful efforts, and intend to vote in support of this bill later today.

I would take this opportunity to raise concern with one of the amendments made in order under the rule, specifically, the Altmire/Udall Amendment, which would expand employer mandates under the Family and Medical Leave Act. Let me state at the outset that I will not oppose this amendment, nor will I urge my Republican colleagues to do so. I do, however, for the record and for the good of this legislation going forward, want to note my strong concerns with this amendment.

First, let me say that as a matter of procedure and responsible legislative process, I am deeply troubled that this amendment comes to the Floor today without so much as a cursory examination by the only committee of jurisdiction in the House, the Committee on Education and Labor, on which I serve as Senior Republican Member. The Altmire/Udall Amendment represents a significant expansion of the Family and Medical Leave Act, and would be the first such expansion in the 14-year history of the Act. Yet it has not been the subject of a single hearing in the Committee on Education and Labor, nor has any Member of the House or my Committee had the opportunity to examine the impact of this amendment in even the broadest sense. Where, as under this amendment, we are talking about expanding a federal mandate that potentially impacts large and small employers in every industry and every state in the union, I think we owe more to our constituents.

I do not want my concern and my remarks to be construed as simply procedural, or solely a function of marking jurisdictional turf. While I do believe that respect for the committee legislative process is important, I want to make clear that I have substantive concerns as a matter of policy with the Altmire/Udall Amendment. The Amendment would appear to broadly expand the Family and Medical Leave Act, allowing any covered employee to make use of leave for ''any exigency'' that arises out of the fact that a family member is called to active duty. Now I am certain that Members on both sides of the aisle would agree that the question of whether and how we ensure that workers whose families have been impacted by a call-up to active duty are able to address legitimate needs is a valid question. I am concerned, however, that the language of the Altmire/Udall Amendment may go much further than intended, and potentially create an overly broad use of leave. Similarly, under the Amendment, an employee could use this leave intermittently, in very small increments, and in many instances, with potentially little or no advance notice to an employer.

Earlier this year, the Department of Labor set forth a Request for Information seeking detailed evidence and recommendations for both regulatory and legislative changes to the Family and Medical Leave Act. That process is ongoing as we speak. Members on both sides of the aisle and various stakeholders have made clear that the Act deserves serious examination—particularly with respect to questions as to when and how leave can be taken, and what sorts of leave and notice are appropriate. In light of these facts, to embark on piecemeal expansion of one of the most significant federal labor laws adopted in the last 20 years, strikes me as irresponsible, and setting a very bad precedent.

As I indicated, I think I understand the concerns of the sponsor that this amendment is intended to address, and I think those are concerns that many might share. For that reason, I will not oppose the amendment. I've made my concerns with both the substance and procedure of this amendment clear. I would hope that as this bill moves forward, and if we find ourselves in conference with the other body, we will take the necessary time to examine this amendment in detail, and work towards ensuring that it accomplishes its goals in a reasonable, responsible, and targeted way.

Mr. PENCE. Madam Chairman, on Monday I was proud to visit with sailors at Naval Station Norfolk, the largest military station in the world. When the 78 ships and 133 aircraft home ported at Norfolk are not at sea, they are alongside one of the 14 piers or inside one of the 15 aircraft hangars for repair, refit, training and to provide the ship's or squadron's crew an opportunity to be with their families.

As I looked into the eyes of our brave men and women in uniform, I felt sick knowing that instead of getting the support they need in this fight, this Democratic Congress is pulling the rug out from under them. Democrats on the House Armed Services Committee rejected Republican efforts to adopt an amendment to H.R. 1585 that would have authorized emergency supplemental appropriations for Fiscal Year 2007.

Madam Chairman, I rise today to condemn the Democratic plan to fund the war on the installment plan. Failure to pass an acceptable long-term supplemental appropriations bill for FY07 is a clear and present danger to our troops in Iraq and Afghanistan, to the Department of Defense institutionally, and to its national security mission to defend the homeland.

Tomorrow marks the 100th day since the administration asked Congress to provide funding for our troops. Because Congress has not sent the President an acceptable supplemental funding bill, DoD will notify Congress today of its intent again to transfer an additional $1.4 billion from Navy and Air Force personnel accounts to fund on-going Army operations in the War on Terror. This funding will last about a week.

This latest transfer request is the fifth one necessitated by the lack of supplemental funding. In sum, two have been necessary to fund Army operations, one to fund procurement of Mine Resistant Ambush Protected vehicles, one to bolster the Iraqi Security Forces, and one to counter improvised explosive devices.

In addition to these transfers, the Army has moved funding originally allocated for fourth quarter expenses into the third quarter. The Army Operations and Maintenance account—the principal account that covers day-to-day Army operations—no longer has any funding available for the fourth quarter operations.

Moving money around like this creates uncertainty and inefficiency, ultimately costing the taxpayers more money in the long run and wreaking havoc on existing contracts.

The funding delay has already caused disruptions. Delays have limited DoD's ability to properly contract for the reconstitution of equipment for active and reserve forces. This increases the readiness risk of our military with each passing day. Needless delays in accelerated fielding of new force protection capabilities such as the Mine Resistant Ambush Protected vehicle and counter-IED technologies. Depletion of funds necessary to accelerate the training of Iraqi security forces.

Without relief soon, the Department of Defense will be forced to take further drastic steps like halting training, delaying deployments and re-deployments, and/or resorting to the use of the Feed and Forage Act, which permits obligation of funds prior to appropriation in emergency situations, an extremely poor and disruptive way of waging a war on terror.

Madam Chairman, our troops need funding and they need it now.

2007 REPROGRAMMED FUNDS FOR THE DEPARTMENT OF DEFENSE

DoD has $4.5 billion in General Transfer Authority. All transfers in excess must come from other sources. War-related reprogramming includes: Mine Resistant Ambush Protected (MRAP) Vehicles: $32 million from emergency funding for Humvees and radios; Iraq Security Forces Fund: $800 million Under General Transfer Authority as well as various Army military personnel, procurement, and research and development programs (includes helicopter modifications, ammunition, and communications equipment); IED Defeat: $825 million Under General Transfer Authority from 4th quarter Navy and Air Force personnel accounts funding; and Army Operations: $3 billion under General Transfer Authority from 4th quarter Navy and Air Force personnel accounts funding.

Total Requested Transfers: $4.918 billion.

Total General Transfer Authority Remaining: $342 million.

LETTER FROM DEFENSE SECRETARY ROBERT GATES TO CONGRESSIONAL LEADERSHIP ON INCREMENTAL FUNDING PROPOSALS:

Delays have limited DoD's ability to properly contract for the reconstitution of equipment for active and reserve forces. The readiness risk of our military increases with each passing day. The funding delay has caused needless delays in accelerating fielding of new force protection capabilities such as the Mine Resistant Ambush Protected (MRAP) vehicles and counter-IED technologies.

The delay has caused a depletion of funds necessary to accelerate the training of Iraqi security forces. ''The prospect of segmenting and further delaying funding that is urgently needed can only result in additional disruption and uncertainty in department operations . . . An organization the size and complexity of the Department of Defense needs a certain measure of funding stability and predictability. Without it, compensatory measures are required that cause, at best inefficiency and at worst a reduction in the Department's ability to carry out its national security mission.''

SECRETARY OF DEFENSE TALKERS (WE RECEIVED THESE FROM A FRIEND THAT ASKED WE NOT IDENTIFY THE SOURCE):

Because Congress hasn't sent Congress an acceptable supplemental funding bill, DoD will notify Congress of its intent again to transfer an additional $1.4 billion. This funding will only last about a week. The latest transfer request is the 5th one necessitated by the lack of supplemental funding. The Army has moved funding originally allocated for fourth quarter expenses into the third quarter.

The Army Operations and Maintenance account—the principal account that covers day-to-day Army operations—no longer has any funding available for fourth quarter operations. Without relief soon, DoD will be forced to take further drastic steps like halting training, delaying deployments and re-deployments, and/or resorting to the use of the Feed and Forage Act, which permits obligation of funds prior to appropriation in emergency situations, an extremely poor and disruptive way of waging a war on terror.

FROM APRIL 16 HERITAGE MEMO TITLED, ''FUNDING NEEDS PROMPT ARMY SPENDING CONSTRAINTS.''

Beginning in mid-April, the Army will slow the purchase of repair parts and other supplies, relying instead on existing inventory to keep equipment operational. Joint Letter to Chairman Obey from Gen. Peter J. Schoomaker, Adm. Michael G. Mullen, Gen. T. Michael Moseley, and Gen. James T. Conway: ''Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound.''

Gen. Peter Pace: After mid-April, ''the army has told us that they will have to begin curtailing some training here at home for Guard, Reserve, and for units, which means that the baseline for those units will be reduced as far as their capability, and when they're called, it will take them longer to be ready and could, over time, delay their availability to go back into combat.''

Defense Secretary Robert Gates: ''This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families. I urge the Congress to pass the supplemental as quickly as possible.''

Mrs. JOANN DAVIS of Virginia. Madam Chairman, H.R. 1585 clearly focuses on the readiness of our troops.

As a first step to improving the readiness of our forces, the bill requires the Secretary of Defense to include status of the National Guard in the quarterly readiness reports to Congress. Not only will this provide visibility on the status of our guard units to support the Federal mission, but will also provide updates to the Governors and to the Congress on the ability of these units to accomplish their civil support missions. The bill goes on to require the Secretary of Defense to report annually to Congress on the status of prepositioned stocks and to establish a timeline for reconstituting those prepositioned stocks in the event they are downloaded for use by our deployed troops. While these reporting requirements seem small, they will do a great deal to ensure that priority and necessary funding is applied to areas that need it the most.

I would also like to highlight that this bill authorizes $250 million to address training shortfalls throughout the services and recommends $165 million above the President's budget request for depot maintenance. Properly funding depot maintenance ensures that the equipment our troops need to not only engage in combat operations, but to also train and prepare for deployment, is available and ready for them when they need it.

Once again, I would like to state that I am proud of this legislation and I encourage all members to support it for the steps it takes to ensure our troops are ready to meet the needs of our nation.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise today to commend Chairman IKE SKELTON and the staff of the Armed Services Committee for working to strengthen the National Guard. Support of the men and women who so bravely serve our Nation as citizen-soldiers is critical to our nation's security.

Inclusion of several National Guard provisions in H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, sends a powerful message to our first military responders around the nation that we recognize their numerous contributions, many of which extend far beyond war fighting. As chairman of the Committee on Homeland Security, I am heartened that this legislation provides resources to the Guard's needs here at home for missions relevant to homeland security and sustainability in our States.

Over the last 5 years, the Guard has nobly accepted and completed missions in Iraq, Afghanistan and elsewhere abroad. True to form, Guardsmen and women from almost every State have sacrificed a great deal, including in some instances their lives, to stay true to the motto of ''always ready, always there.''

Provisions in this legislation will provide $1 billion to address the strain on Guard and Reserve units in the States who are facing critical equipment shortages. For the first time, we will ensure that State Guard units are prepared for homeland security missions such as disaster response. Equally important is language in this bill that will encourage integration between the National Guard Bureau and other Defense components, such as Northern Command, who share responsibility for protecting the homeland.

In short, this legislation incorporates key recommendations from the Commission on the National Guard and Reserve. It takes us a step closer toward closing the gap between Guard units categorized as ready and Guard units resourced to be ready.

Mr. LOBIONDO. Madam Chairman, I rise today in strong support of the Saxton-LoBiondo-Smith-Andrews amendment which will provide members of the Armed Services and their families living on military bases with more security. It would require a federal background check for unescorted civilians, including contractors and vendors.

The security gap that exists at our Nation's military bases was highlighted by the recent plot against Fort Dix by terrorists. Fortunately due to the intervention of an ordinary citizen and the professionalism of the FBI, this plot to attack was thwarted. Next time, we might not be so fortunate.

It is simply common sense that we should know who is entering our military bases and why they are there. Background checks on all contractors and vendors will help secure these sensitive facilities and ensure an additional layer of security for our servicemen and women who live and work on our military bases.

I strongly urge that all Members vote for this amendment to protect our military bases and our military personnel and their families.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1585

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2008''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package vehicles.
Sec. 112. Multiyear procurement authority for M2A3 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehicles, and M2A3 Bradley Fire Support Team Vehicles.
Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
Sec. 114. Multiyear procurement authority for CH-47F helicopters.
Sec. 115. Limitation on use of funds for Joint Network Node program pending certification to Congress.
Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.

Subtitle C—Navy Programs

Sec. 121. Authority to transfer funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.
Sec. 122. Multiyear procurement authority for Virginia-class submarine program.
Sec. 123. Limitation on final assembly of VH-71 Presidential transport helicopters.
Sec. 124. Limitation on operational deployment of weapons system that uses Trident missiles converted to carry conventional payloads.
Sec. 125. Program to provide contractors with capital expenditure incentives.
Sec. 126. Limitation on use of shipbuilding and conversion, Navy, funds for employment of nonimmigrant workers.
Sec. 127. Limitation on concurrent design and construction on first ship of a shipbuilding program.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C-5 aircraft.
Sec. 132. Limitation on Joint Cargo Aircraft.
Sec. 133. Clarification of limitation on retirement of U-2 aircraft.
Sec. 134. Repeal of requirement to maintain retired C-130E tactical airlift aircraft.

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. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on systems development and demonstration of Joint Light Tactical Vehicle program.
Sec. 213. Requirement to obligate funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for manufacturing science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Oversight of Missile Defense Agency programs by Director of Operational Test and Evaluation.
Sec. 222. Fielding of ballistic missile defense capabilities and future roles and missions of Missile Defense Agency.
Sec. 223. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
Sec. 224. Two-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 225. Independent study on deploying missile defense system in Europe.
Sec. 226. Sense of Congress concerning full support for development and fielding of a layered ballistic missile defense.

Subtitle D—Other Matters

Sec. 231. Responsibility for human systems integration activities.
Sec. 232. Expansion of authority for encouragement of technology transfer.
Sec. 233. Army Venture Capital Fund demonstration.
Sec. 234. Independent tests for combat helmet pad suspension systems.
Sec. 235. Report on implementation of Manufacturing Technology Program.
Sec. 236. Assessment of sufficiency of test and evaluation personnel.
Sec. 237. Repeal of requirement for separate reports on technology area review and assessment summaries.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalty in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Workplace and Depot Issues

Sec. 321. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
Sec. 322. Authorization of availability of working-capital funds for certain product improvements.
Sec. 323. Authorization of use of working-capital funds for acquisition of certain items.
Sec. 324. Modification to public-private competition requirements before conversion to contractor performance.

Sec. 325. Public-private competition at end of period specified in performance agreement not required.
Sec. 326. Guidelines on insourcing new and contracted out functions.
Sec. 327. Additional requirements for annual report on public-private competitions.
Sec. 328. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 329. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A-76.
Sec. 330. Public-private competition required before conversion to contractor performance.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of Arsenal Support Program Initiative.
Sec. 332. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.

Subtitle E—Reports

Sec. 341. Inclusion of National Guard readiness for civil support missions in quarterly personnel and unit readiness report.
Sec. 342. Plan to improve readiness of active and reserve component ground forces.
Sec. 343. Plan for optimal use of strategic ports by commander of Surface Distribution and Deployment Command.
Sec. 344. Independent assessment of Civil Reserve Air Fleet viability.
Sec. 345. Annual report on prepositioned materiel and equipment.
Sec. 346. Conditions on relocation of North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base.
Sec. 347. Report on public-private partnerships.

Subtitle F—Other Matters

Sec. 351. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
Sec. 352. Authority for Department of Defense to provide support for certain sporting events.
Sec. 353. Reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
Sec. 354. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
Sec. 355. Recovery of missing military property.
Sec. 356. Retention of Army combat uniforms by members of Army deployed in support of contingency operations.
Sec. 357. Issue of serviceable material other than to Armed Forces.
Sec. 358. Prohibition on deactivation of 36th Rescue Flight.
Sec. 359. Limitation on expenditure of funds for initial flight screening at Pueblo Memorial Airport.
Sec. 360. Reauthorization and modification of multi-trades demonstration project.

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.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.

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 2008 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. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.
Sec. 423. Offsetting transfers from National Defense Stockpile Transaction Fund.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 503. Special promotion authority for Navy career military professors.

Subtitle B—Reserve Component Matters

Sec. 511. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 512. Constructive service credit upon original appointment of reserve officers in certain health care professions.
Sec. 513. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air Force Reserve officer.
Sec. 514. Military technicians (dual status) in the Selected Reserve.
Sec. 515. Working group on reintegration of reserve component members returning from deployment.
Sec. 516. National Guard yellow ribbon reintegration program.
Sec. 517. Advance notice to members of reserve components of deployment in support of contingency operations.

Subtitle C—Education and Training

Sec. 521. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
Sec. 522. Increase in annual limit on number of ROTC scholarships under Army Reserve and Army National Guard program.
Sec. 523. Revisions to authority to pay tuition for off-duty training or education.
Sec. 524. National Defense University master's degree programs.
Sec. 525. Recodification in title 38, United States Code, of certain educational assistance programs for members of the reserve components.
Sec. 526. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
Sec. 527. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport high schools.

Subtitle D—General Service Authorities

Sec. 531. Authority to reduce required service obligation for initial appointment of qualified health professionals as officers in critical specialties.
Sec. 532. Reenlistment in former enlisted grade after service as an officer.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 541. Authority to designate certain civilian employees of the Federal Government as eligible for legal assistance from Department of Defense legal staff resources.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
Sec. 552. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
Sec. 553. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
Sec. 554. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor during the Civil War.
Sec. 555. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews Raiders during the Civil War.
Sec. 556. Cold War Victory Medal.

Subtitle G—Impact Aid and Defense Dependents Education System

Sec. 561. Tuition assistance for military dependents in overseas areas where schools operated by Defense Dependents' Education System are not reasonably available.
Sec. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle H—Other Matters

Sec. 571. Extension of authority to accept gifts, devises, or bequests to benefit members of the Armed Forces, dependents, and civilian employees of the Department of Defense.
Sec. 572. Uniform performance policies for military bands and other musical units.
Sec. 573. Repeal of limitation on number of academies of Department of Defense STARBASE Program in a single State.
Sec. 574. Combat veterans mentoring program for current members of the Armed Forces.
Sec. 575. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.

Sec. 576. Program to commemorate 50th anniversary of the Vietnam War.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.
Sec. 603. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 604. Participation of members of the uniformed services in Thrift Savings Plan.
Sec. 605. Enhancement of referral bonus to encourage service in the Army.
Sec. 606. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Definition of sea duty for career sea pay to include multi-crew ships.
Sec. 618. Reenlistment bonus for members of the Selected Reserve.
Sec. 619. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
Sec. 620. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
Sec. 621. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
Sec. 622. Accession bonus for participants in the Armed Forces Health Professional Scholarship and Financial Assistance Program.
Sec. 623. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.
Sec. 624. Increase in maximum monthly rate of hardship duty pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Allowance for participation in Reserve screening conducted through electronic means.
Sec. 632. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
Sec. 633. Moving expenses for JROTC instructors who agree to serve in hard-to-fill positions.
Sec. 634. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.
Sec. 635. Payment of inactive duty training travel costs for certain Selected Reserve members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Disregarding periods of confinement of member in determining benefits for dependents who are victims of abuse by the member.
Sec. 642. Continuation of authority for members of the Armed Forces to designate a recipient for a portion of the death gratuity.
Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 645. Expansion of combat-related special compensation eligibility for chapter 61 military retirees with fewer than 20 years of creditable service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Access to Defense Commissary and Exchange System by surviving spouse and dependents of certain disabled veterans.
Sec. 652. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
Sec. 653. Authorization of installment deductions from pay of employees of executive branch instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 662. Transitional provisions.

Subtitle G—Other Matters

Sec. 671. Expansion of education loan repayment program for members of the Selected Reserve.
Sec. 672. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.
Sec. 673. Overseas naturalization for military spouses and children.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. 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. Fair pricing under pharmacy benefits program.
Sec. 704. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 705. Establishment of Nurse Practitioner Program.
Sec. 706. Services of mental health counselors.
Sec. 707. Extension of pilot program for health care delivery.
Sec. 708. Stipend for members of Reserve Components for health care for certain dependents.
Sec. 709. Joint Pathology Center.
Sec. 710. Report on training in preservation of remains under combat or combat-related conditions.
Sec. 711. Pre- and post-deployment assessments for the purpose of determining the cognitive functioning and brain health of deployed members of the Armed Forces.
Sec. 712. Guaranteed funding for Walter Reed Army Medical Center.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Definition of commercial services.
Sec. 802. Acquisition workforce provisions.
Sec. 803. Guidance on defense procurements made through contracts of other agencies.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Prohibition on procurement from companies in violation of the Iran and Syria Nonproliferation Act.
Sec. 806. Lead systems integrators.
Sec. 807. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.
Sec. 808. Reinvestment in domestic sources of strategic materials.
Sec. 809. Clarification of the protection of strategic materials critical to national security.
Sec. 810. Debarment of contractors convicted of criminal violations of the Arms Export Control Act.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Change to the Truth in Negotiations Act exception for the acquisition of a commercial item.
Sec. 812. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
Sec. 813. Plan for restricting Government-unique contract clauses on commercial contracts.
Sec. 814. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 815. Extension of authority to fill shortage category positions for certain federal acquisition positions.
Sec. 816. Extension of authority to carry out certain prototype projects.
Sec. 817. Clarification of limited acquisition authority for special operations command.
Sec. 818. Exemption of special operations command from certain requirements for contracts relating to vessels, aircraft, and combat vehicles.
Sec. 819. Provision of authority to maintain equipment to unified combatant command for joint warfighting.

Subtitle C—Accountability in Contracting

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
Sec. 114. Multiyear procurement authority for CH-47F helicopters.
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Sec. 121. Authority to transfer funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.
Sec. 122. Multiyear procurement authority for Virginia-class submarine program.
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Sec. 131. Limitation on retiring C-5 aircraft.
Sec. 132. Limitation on Joint Cargo Aircraft.
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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $3,928,139,000.

(2) For missiles, $2,114,902,000.

(3) For weapons and tracked combat vehicles, $3,311,117,000.

(4) For ammunition, $2,238,176,000.

(5) For other procurement, $11,465,456,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $500,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $12,750,767,000.

(2) For weapons, including missiles and torpedoes, $3,058,387,000.

(3) For shipbuilding and conversion, $15,744,120,000.

(4) For other procurement, $5,443,612,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,580,257,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,060,484,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,356,270,000.

(2) For ammunition, $868,917,000.

(3) For missiles, $5,138,002,000.

(4) For other procurement, $15,441,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,537,834,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 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 $1,131,850,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE VEHICLES.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package vehicles.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3 BRADLEY FIGHTING VEHICLES, M3A3 CAVALRY FIGHTING VEHICLES, AND M2A3 BRADLEY FIRE SUPPORT TEAM VEHICLES.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehicles, and M2A3 Bradley Fire Support Team Vehicles.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of four program years.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR CONVERSION OF CH-47D HELICOPTERS TO CH-47F CONFIGURATION.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for conversion of CH-47D helicopters to the CH-47F configuration.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-47F HELICOPTERS.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of CH-47F helicopters.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 115. LIMITATION ON USE OF FUNDS FOR JOINT NETWORK NODE PROGRAM PENDING CERTIFICATION TO CONGRESS.

Of the amounts authorized to be appropriated for fiscal year 2008 for Other Procurement, Army, that are available for the Joint Network Node program, not more than 50 percent may be obligated or expended until the Secretary of the Army submits to the congressional defense committees the Secretary's certification, in writing, that—

(1) the Joint Network Node program is a program of record in accordance with Department of Defense Instruction 5000.2, ''Operation of the Defense Acquisition System'', dated May 12, 2003;

(2) the Director of Operational Test and Evaluation has approved a plan for an operational test and evaluation of the Joint Network Node system; and

(3) the Army plans to procure all future lots of equipment for the Joint Network Node program through a competitive bid process.

SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL MISSILE SYSTEM PRODUCTION LINE PENDING REPORT.

(a) PROHIBITION.—Amounts appropriated pursuant to the authorization of appropriations in section 101(2) for missiles, Army, and in section 1502(4) for missile procurement, Army, and any other appropriated funds available to the Secretary of the Army may not be used to commence, continue, or complete the closure of the production line for the Army Tactical Missile System program until at least 120 days after the date on which the Secretary of the Army submits to the congressional defense committees a report that contains—

(1) the certification of the Secretary that the long range surface-to-surface strike and counter battery mission of the Army can be adequately performed by other elements of the Armed Forces;

(2) a plan to mitigate any shortfalls in the industrial base that would be created by the closure of the production line; and

(3) a plan to replace the Army's capability to perform long range surface-to-surface strike and counter battery missions.

(b) SUBMISSION OF REPORT.—The report referred to in subsection (a) is required not later than April 1, 2008.

Subtitle C—Navy Programs

SEC. 121. AUTHORITY TO TRANSFER FUNDS FOR SUBMARINE ENGINEERED REFUELING OVERHAULS AND CONVERSIONS AND FOR AIRCRAFT CARRIER REFUELING COMPLEX OVERHAULS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following:

''§ 7317. Transfer of funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls

''(a) AUTHORITY.—From amounts made available to the Department of Defense for fiscal year 2008 or any fiscal year thereafter, the Secretary of Defense may transfer, to the account for procurement, Navy, for shipbuilding and conversion, such amounts as the Secretary determines necessary to cover the costs of submarine engineered refueling overhauls and conversions or aircraft carrier refueling complex overhauls. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. This transfer authority is in addition to any other transfer authority available to the Secretary.

''(b) DETERMINATION.—The authority under this section may be exercised only where the Secretary determines that the transfer of funds is required because of the discovery, during the overhaul or conversion concerned, of unanticipated and emergent maintenance or repair.

''(c) NOTIFICATION.—A transfer may be made under this section if—

''(1) the Secretary determines that the overhaul or conversion concerned can be completed, so as to return the submarine or aircraft carrier to a full operational status, with that transfer; and

''(2) the Secretary submits to the congressional defense committees a written notification of the determination required by subsection (b) and the determination required by paragraph (1), together with explanations of the basis for each such determination.

''(d) LIMITATION OF $20,000,000.—An overhaul or conversion may receive one or more transfers under this section, but may not receive more than $20,000,000 in such transfers, regardless of fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7317. Transfer of funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.''.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2008 program year, for the procurement of Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(b) LIMITATION.—The Secretary may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification that the Secretary has made, with respect to that contract, each of the findings required by subsection (a) of section 2306(b) of title 10, United States Code; and

(2) a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 123. LIMITATION ON FINAL ASSEMBLY OF VH-71 PRESIDENTIAL TRANSPORT HELICOPTERS.

(a) IN GENERAL.—No funds appropriated pursuant to an authorization of appropriations or otherwise made available for aircraft procurement, Navy, may be obligated or expended for the final assembly of more than five VH-71 Presidential transport helicopters.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to a helicopter if the final assembly of the helicopter is carried out in the United States.

SEC. 124. LIMITATION ON OPERATIONAL DEPLOYMENT OF WEAPONS SYSTEM THAT USES TRIDENT MISSILES CONVERTED TO CARRY CONVENTIONAL PAYLOADS.

(a) LIMITATION.—No funds appropriated or otherwise available to the Department of Defense for fiscal year 2008 may be obligated or expended for operational deployment of a weapons system that uses Trident missiles converted to carry conventional payloads.

(b) NOTIFICATION.—Within 30 days after the date on which the Secretary of Defense determines that the weapons system referred to in subsection (a) is fully functional and that fielding the weapons system is necessary to meet military requirements, the Secretary shall submit to the congressional defense committees notification, in writing, of that determination.

SEC. 125. PROGRAM TO PROVIDE CONTRACTORS WITH CAPITAL EXPENDITURE INCENTIVES.

(a) IN GENERAL.—From amounts made available for procurement, Navy, for shipbuilding and conversion, for fiscal year 2008 or any fiscal year thereafter, the Secretary of the Navy may carry out a program under which the Secretary provides contractors with capital expenditure incentives to support investment in facilities and process improvements for current and future Navy vessel construction contracts.

(b) USE OF FUNDS.—Amounts provided to a contractor under the program may be used for improvements that benefit any one or more of the shipbuilding programs in the contractor's facilities.

(c) ANALYSIS REQUIRED.—Amounts may be provided to a contractor under the program only if the contractor presents a proposal containing a fully supported analysis that demonstrates that the investment would lead to ship construction or life cycle savings to the Federal Government by—

(1) improvements in design, material, technology, or manufacturing process;

(2) investing in shipyard infrastructure that would support construction process improvement;

(3) investing in specialized workforce training, including apprenticeship training programs; or

(4) investing in construction process that would reduce life cycle maintenance costs of the vessels under construction at the contractor's facilities.

(d) APPROVAL.—The Secretary shall not provide amounts to a contractor under the program unless the Secretary determines that—

(1) the analysis contained in the proposal is sound; and

(2) providing those amounts is in the best interests of the United States.

(e) DEMONSTRATION OF SAVINGS TO THE FEDERAL GOVERNMENT.—The Secretary shall not provide amounts to a contractor under the program unless the Secretary and the contractor, as part of the approval process for a proposal, agree to measures, benchmarks, and recoupment provisions in the event the investment fails to demonstrate savings to the Federal Government.

(f) REPORT.—At the end of each fiscal year, beginning with fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the activities carried out under this section during that fiscal year. The report shall describe each incentive approved during that fiscal year and, for each such incentive, include an estimate of the costs of providing the incentive and an analysis of the potential savings to the Federal Government from the investment.

(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The initial regulations shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 126. LIMITATION ON USE OF SHIPBUILDING AND CONVERSION, NAVY, FUNDS FOR EMPLOYMENT OF NON-IMMIGRANT WORKERS.

(a) LIMITATION ON THE USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in subsection (c), funds appropriated or otherwise available to the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal year 2008 or any fiscal year thereafter may not be used for the purpose of ship construction at the facility of a contractor who, for the purposes of United States Navy ship construction, employs or contracts for foreign workers who are legally present in the United States under a H2B visa.

(2) CONTRACTORS COVERED.—Paragraph (1) applies to prime contractors and subcontracts at any tier under such contracts.

(b) ANALYSIS OF SHIPYARD LABOR.—

(1) IN GENERAL.—The Assistant Secretary of the Navy for Research, Development, and Acquisition shall maintain a five-year forecast of potential labor surplus, by shipyard, for each of the shipyards that construct ships for the Navy based on the Navy's annual naval vessel construction plan required by section 231 of title 10, United States Code.

(2) INCLUSION IN PLAN.—The forecast required by paragraph (1) shall be included in each plan submitted in accordance with section 231 of title 10, United States Code.

(c) EXCEPTION FOR SHORTAGE OF UNITED STATES WORKERS.—The Secretary of the Navy may waive the restriction in subsection (a) for a contractor for a fiscal year if the contractor certifies to the Secretary for that fiscal year that—

(1) the contractor has fully complied with all existing laws and regulations regarding labor certifications in support of an application for alien employment via the H2B visa process;

(2) a Department of Labor regional certifying officer has issued a determination approving such an application, in accordance with existing laws and regulations; and

(3) the contractor has attempted to recruit United States shipyard workers in the geographical area surrounding shipyards identified in the most recent Navy annual naval vessel construction plan as having potential labor surpluses, in a manner that is consistent with procedures which shall be prescribed by the Secretary and that—

(A) is appropriate for the occupation;

(B) offers, at a minimum, the same transportation and housing benefits to be offered to alien employees; and

(C) is most likely to bring responses.

SEC. 127. LIMITATION ON CONCURRENT DESIGN AND CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM.

(a) IN GENERAL.—For any shipbuilding program that is a major defense acquisition program under section 2430 of title 10, United States Code, the start of construction of a first ship (as defined in subsection (b)) may not occur until the Secretary of the Navy certifies to the congressional defense committees that the detailed design of the ship is completed and approved by the relevant design certification agents, to a level determined by the Secretary to be acceptable for commencement of construction, via a report described in subsection (d).

(b) FIRST SHIP.—For purposes of subsection (a), a ship is a first ship if—

(1) the ship is the first ship to be constructed under that shipbuilding program;

(2) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program; or

(3) the ship is the first ship to be constructed following a major design change, characterized as a change in flight, under that shipbuilding program.

(c) START OF CONSTRUCTION.—For purposes of subsection (a), start of construction means the beginning of fabrication of the hull and superstructure of the ship.

(d) REPORT.—The Secretary of the Navy shall provide the certification required by subsection (a) in a report that provides an assessment of each of the following:

(1) The degree of completion of the detailed design drawings and specifications for the ship.

(2) The readiness of the shipyard facilities and workforce to begin construction.

(3) The maturity level of research and development efforts of any new technologies that will be used in the ship's command and control systems, weapons systems, sensor systems, mechanical or electrical systems, or hull.

(4) The ability to meet cost and schedule estimates within the applicable program baseline.

(e) APPLICABILITY.—

(1) NEW SHIPBUILDING PROGRAMS.—This section applies to each shipbuilding program beginning after the date of the enactment of this Act.

(2) MAJOR DESIGN CHANGES FOR EXISTING SHIPBUILDING PROGRAMS.—In addition, subsection (b)(3) applies to any major design change occurring after the date of the enactment of this Act to any shipbuilding program in existence as of the date of the enactment of this Act.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C-5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not proceed with a decision to retire C-5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that—

(A) the Secretary is able to comply with subsection (g) of section 8062 of title 10, United States Code; and

(B) retiring the aircraft will not significantly increase operational risk of not meeting the National Military Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more prudent in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the cost of C-17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall be performed by a Federally Funded Research and Development Center selected by the Air Force and shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses ''constant year dollars'' and one analysis that uses ''then year dollars''.

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;
(G) operations;
(H) training;
(I) maintenance;
(J) sustainment;
(K) military construction;
(L) personnel;
(M) cost of replacement due to attrition; and
(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing AMP and RERP on only C-5B and C5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411) is repealed.

SEC. 132. LIMITATION ON JOINT CARGO AIRCRAFT.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement, or for research, development, test, and evaluation, may be obligated or expended for the Joint Cargo Aircraft until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Air Force Air Mobility Command's Airlift Mobility Roadmap.

(2) The Department of Defense Intra-Theater Airlift Capabilities Study.

(3) The Department of Defense Joint Intra-Theater Distribution Assessment.

(4) The Joint Cargo Aircraft Functional Area Series Analysis.

(5) The Joint Cargo Aircraft Analysis of Alternatives.

(6) The Secretary's certification that—

(A) there is, within the Department of the Army, Department of the Air Force, Army National Guard, or Air National Guard, a capability gap or shortfall with respect to intra-theater airlift; and

(B) validated requirements exist to fill that gap or shortfall through procurement of the Joint Cargo Aircraft.

SEC. 133. CLARIFICATION OF LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.

Section 133(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2112) is amended—

(1) in paragraph (1)—

(A) by striking ''After fiscal year 2007'' and inserting ''For each fiscal year after fiscal year 2007''; and

(B) by inserting after ''Secretary of Defense'' the following: '', in that fiscal year,''; and

(2) in paragraph (2)—

(A) by inserting after ''Department of Defense'' the following: ''in a fiscal year''; and

(B) by inserting after ''Congress'' the following: ''in that fiscal year''.

SEC. 134. REPEAL OF REQUIREMENT TO MAINTAIN RETIRED C-130E TACTICAL AIRLIFT AIRCRAFT.

Section 137(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) is repealed.

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. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on systems development and demonstration of Joint Light Tactical Vehicle program.
Sec. 213. Requirement to obligate funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for manufacturing science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Oversight of Missile Defense Agency programs by Director of Operational Test and Evaluation.
Sec. 222. Fielding of ballistic missile defense capabilities and future roles and missions of Missile Defense Agency.
Sec. 223. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
Sec. 224. Two-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 225. Independent study on deploying missile defense system in Europe.
Sec. 226. Sense of Congress concerning full support for development and fielding of a layered ballistic missile defense.

Subtitle D—Other Matters

Sec. 231. Responsibility for human systems integration activities.
Sec. 232. Expansion of authority for encouragement of technology transfer.
Sec. 233. Army Venture Capital Fund demonstration.
Sec. 234. Independent tests for combat helmet pad suspension systems.
Sec. 235. Report on implementation of Manufacturing Technology Program.
Sec. 236. Assessment of sufficiency of test and evaluation personnel.
Sec. 237. Repeal of requirement for separate reports on technology area review and assessment summaries.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,082,498,000.

(2) For the Navy, $17,333,601,000.

(3) For the Air Force, $25,738,960,000.

(4) For Defense-wide activities, $20,141,264,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $11,504,291,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program 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. OPERATIONAL TEST AND EVALUATION OF FUTURE COMBAT SYSTEMS NETWORK.

(a) OPERATIONAL TEST AND EVALUATION REQUIRED.—The Secretary of the Army, in cooperation with the Director, Operational Test and Evaluation, shall complete an operational test and evaluation (as defined in section 139(a)(2)(A) of title 10, United States Code), of the FCS network in a realistic environment simulating operational conditions. The operational test and evaluation shall—

(1) be conducted and approved by the Director, Operational Test and Evaluation;

(2) be conducted using production representative equipment, sensors, and software for the FCS network;

(3) be conducted in a manner that simulates a full Future Combat Systems brigade;

(4) be conducted, to the maximum extent possible, using actual communications equipment instead of computer simulations;

(5) be conducted in a realistic operational electronic warfare environment, including enemy electronic warfare and network attacks; and

(6) include, to the maximum extent possible, all sensor information feeds the FCS network is designed to incorporate.

(b) FCS NETWORK DEFINED.—In this section, the term ''FCS network'' includes all sensors, information systems, computers, and communications systems necessary to support Future Combat Systems brigade operations.

(c) REPORT.—Not later than 120 days after completing the operational test and evaluation required by subsection (a), the Director, Operational Test and Evaluation shall submit to the congressional defense committees a report on the outcome of the operational test and evaluation. The report shall include, at a minimum—

(1) an evaluation of the overall operational effectiveness of the FCS network, including—

(A) an evaluation of the FCS network's capability to transmit the volume and classes of data required by Future Combat Systems approved requirements; and

(B) an evaluation of the FCS network's performance in a degraded condition due to enemy network attack, sophisticated enemy electronic warfare, adverse weather conditions, and terrain variability;

(2) an evaluation of the FCS network's ability to improve friendly force knowledge of the location and capability of enemy forces and combat systems; and

(3) an evaluation of the overall operational suitability of the FCS network.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—

(1) IN GENERAL.—No funds appropriated pursuant to an authorization of appropriations or otherwise made available to the Department of the Army for any fiscal year may be obligated for low-rate initial production or full-rate production of Future Combat Systems manned ground vehicles until 60 days after the date on which the report is submitted under subsection (c).

(2) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary determines that such a waiver is critical for national security. Such a waiver shall not become effective until 14 days after the date on which the Secretary submits to the congressional defense committees a written notice of the waiver.

(3) INAPPLICABILITY TO THE NON LINE OF SIGHT CANNON VEHICLE.—The limitation in paragraph (1) does not apply to the Non Line of Sight Cannon vehicle.

SEC. 212. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF JOINT LIGHT TACTICAL VEHICLE PROGRAM.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for any fiscal year may be obligated or expended for the Joint Light Tactical Vehicle program beyond the Design Readiness Review for the acquisition program phase of systems development and demonstration until after the certification for the Joint Light Tactical Vehicle

program is made and submitted as required by section 2366a of title 10, United States Code, and a progress report is received for review by the congressional defense committees.

SEC. 213. REQUIREMENT TO OBLIGATE FUNDS FOR DEVELOPMENT AND PROCUREMENT OF A COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available, for fiscal year 2008 or any fiscal year thereafter, for research, development, test, and evaluation and procurement for the Joint Strike Fighter program, the Secretary of Defense shall obligate sufficient annual amounts to develop and procure a competitive propulsion system for the Joint Strike Fighter in order to conduct a competitive propulsion source selection.

SEC. 214. LIMITATION ON USE OF FUNDS FOR MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—No funds available to the Office of the Secretary of Defense for any fiscal year may be obligated or expended for a manufacturing science and technology project unless the Director, Defense Research and Engineering, ensures that—

(1) the project is awarded using competitive procedures in accordance with section 2304 of title 10, United States Code;

(2) the project is carried out—

(A) under the Manufacturing Technology Program established by section 2521 of title 10, United States Code; and

(B) in compliance with all requirements of any directive that applies to manufacturing technology; and

(3) a technology transition agreement has been fully executed between the Director and a prospective technology user.

(b) DEFINITIONS.—In this subsection:

(1) The term ''technology transition agreement'' means an agreement signed by officials of the Department of Defense that includes—

(A) a description of the prospective technology user's relevant technology needs in priority order;

(B) a description of the minimum increment of capability that must be developed in order for the prospective technology user to consider implementing the technology;

(C) a schedule of technology transition windows for each technology need;

(D) a description of discrete technology deliverables that specifically identifies which user need would be fulfilled by each deliverable;

(E) a schedule for technology deliverables that aligns with user defined technology transition opportunities; and

(F) a commitment by the prospective technology user to program for advanced development or procurement funding, as appropriate, upon successful delivery of the technology, in accordance with the other terms of the agreement.

(2) The term ''prospective technology user'' has the meaning given that term in section 2521(c)(6) of title 10, United States Code.

Subtitle C—Ballistic Missile Defense

SEC. 221. OVERSIGHT OF MISSILE DEFENSE AGENCY PROGRAMS BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) MDA TO REPORT TO OT&E.—The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of—

(1) all operational test and evaluation conducted by the Missile Defense Agency with respect to any major defense acquisition program; and

(2) all studies conducted in connection with such operational test and evaluation.

(b) OT&E OBSERVERS AT MDA TESTS.—The Director of Operational Test and Evaluation may require that such observers as the Director of Operational Test and Evaluation may designate are present during the preparation for, and the conduct of, the test part of any test and evaluation conducted by the Missile Defense Agency with respect to any major defense acquisition program.

(c) OT&E ACCESS TO INFORMATION.—The Director of Operational Test and Evaluation shall have access to all information of the Department of Defense (including information of the Missile Defense Agency) that the Director considers necessary to review in order to carry out this section.

SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES AND FUTURE ROLES AND MISSIONS OF MISSILE DEFENSE AGENCY.

(a) AVAILABILITY OF RDT&E FUNDS FOR FISCAL 2009.—Upon approval by the Secretary of Defense, funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2009 for research, development, test, and evaluation for the Missile Defense Agency—

(1) may be used for the development and fielding of ballistic missile defense capabilities; and

(2) may not be used for operations and support activities.

(b) BUDGETING FOR OPERATIONS AND SUPPORT FOR FISCAL 2009.—For fiscal year 2009, any amount in the budget submitted to Congress under section 1105(a) of title 31, United States Code, for operations and support activities for the Missile Defense Agency shall be set forth under the account of the Department of Defense for operation and maintenance, Defense-wide, and, within that account, under the subaccount (or other budget activity level) for the Missile Defense Agency.

(c) PLAN REQUIRED.—Not later than March 1, 2008, the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for transitioning the Missile Defense Agency from using research, development, test, and evaluation funds for missile defense fielding activities to using procurement funds for those activities where practicable.

(d) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with one of the Federally Funded Research and Development Centers under which the Center will carry out a study to examine, and make recommendations with respect to, the long-term structure, roles, and missions of the Missile Defense Agency.

(2) MATTERS INCLUDED.—

(A) REVIEW.—The study shall include a full review of the structure, roles, and missions of the Missile Defense Agency.

(B) ASSESSMENTS.—The study shall include an examination and assessment of the current and future—

(i) structure, roles, and missions of the Missile Defense Agency; and

(ii) relationship of the Missile Defense Agency with—

(I) the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(II) the Office of the Under Secretary of Defense for Policy;

(III) the Director of Operational Test and Evaluation;

(IV) the Commander of the United States Strategic Command and other combatant commanders; and

(V) the military departments.

(C) RECOMMENDATIONS.—The study shall include recommendations as to how the Missile Defense Agency can be made more effective to support the needs of the warfighter. The recommendations shall include specific recommendations as to whether—

(i) the Missile Defense Agency should be maintained in its current configuration;

(ii) the scope and nature of the Missile Defense Agency should be changed from an organization focused on research and development to an organization focused on combat support; and

(iii) the Missile Defense Agency should be abolished and its responsibilities transferred to the United States Strategic Command and the military departments.

(3) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(4) REPORT.—Not later than September 1, 2008, the Federally Funded Research and Development Center shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on its findings, conclusions, and recommendations.

(5) FUNDING.—Funds for the study shall be provided from amounts appropriated for the Department of Defense.

SEC. 223. LIMITATION ON USE OF FUNDS FOR REPLACING WARHEAD ON SM-3 BLOCK IIA MISSILE.

None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations in this Act may be obligated or expended to replace the unitary warhead on the SM-3 Block IIA missile with the Multiple Kill Vehicle until after the Secretary of Defense certifies to Congress that—

(1) the United States and Japan have reached an agreement to replace the unitary warhead on the SM-3 Block IIA missile; and

(2) replacing the unitary warhead on the SM-3 Block IIA missile with the Multiple Kill Vehicle will not delay the expected deployment date of 2014-2015 for that missile.

SEC. 224. TWO-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

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

(1) in paragraph (1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in paragraph (2), by striking ''through 2009'' and inserting ''through 2011''.

SEC. 225. INDEPENDENT STUDY ON DEPLOYING MISSILE DEFENSE SYSTEM IN EUROPE.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with one of the Federally Funded Research and Development Centers under which the Center will carry out a study on the political, technical, operational, force structure, and budgetary implications of deploying a long-range missile defense system in Europe.

(b) ANALYSIS OF ADMINISTRATION PROPOSAL.—The study shall provide a full analysis of the Administration's proposal to protect forward-deployed radars, Europe, and the United States by deploying, in Europe, interceptors and radars of the Ground-Based Midcourse Defense (GMD) system. In providing the analysis, the study shall examine each of the following:

(1) The technical capabilities of the GMD system, as so deployed, to effectively protect forward-deployed radars, Europe, and the United States.

(2) The political implications of such a deployment on the United States, the North Atlantic Treaty Organization, and other interested parties.

(3) The operational issues associated with such a deployment.

(4) The force structure implications of such a deployment.

(5) The budgetary implications of such a deployment.

(c) ANALYSIS OF ALTERNATIVES.—The study shall also provide a full analysis of alternative systems that could be deployed to fulfill, in

whole or in part, the protective purposes of the Administration's proposal. The alternative systems shall include a range of feasible combinations of other missile defense systems that are available or are expected to be available as of 2020. In providing the analysis, the study shall examine, for each alternative system included, the following:

(1) The technical capabilities of the alternative system, as so deployed, to effectively protect forward-deployed radars, Europe, and the United States.

(2) The political implications of such a deployment on the United States, the North Atlantic Treaty Organization, and other interested parties.

(3) The operational issues associated with such a deployment.

(4) The force structure implications of such a deployment.

(5) The budgetary implications of such a deployment.

(d) COOPERATION REQUIRED.—In carrying out the study, the Federally Funded Research and Development Center shall receive the cooperation of the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, 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. The report shall be in unclassified form, but may include a classified annex.

(f) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201(4), $1,000,000 is available to carry out the study required by this section.

SEC. 226. SENSE OF CONGRESS CONCERNING FULL SUPPORT FOR DEVELOPMENT AND FIELDING OF A LAYERED BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the development and proliferation of ballistic missile and nuclear capabilities by rogue nations continues to grow, posing a serious threat to the national security of the United States, United States military forces deployed, and United States national security interests more broadly, as demonstrated by—

(A) the July 2006 test by North Korea of six short-range missiles and one longer-range Taepo Dong-2 missile, and the October 2006 test by North Korea of a nuclear device;

(B) the November 2006 and January 2007 test by Iran of nearly a dozen missiles and an ongoing effort by Iran to enrich uranium;

(C) the reported proliferation of BM-25 intermediate range ballistic missiles from North Korea to Iran; and

(D) the reported January 2007 test by Syria of Scud-D short-range ballistic missiles;

(2) the United States must have the capability to defend its homeland and forward-deployed military forces against the threats highlighted in paragraph (1);

(3) the United States is committed to working with its allies to obtain the capability to defend our broader national security interests against ballistic missile threats highlighted in paragraph (1);

(4) as specified in the John Warner National Defense Authorization Act for Fiscal Year 2007, ''It is the policy of the United States that the Department of Defense accord priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC-3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.'';

(5) the Congress fully supports efforts by the Department of Defense to continue development, testing, and fielding of an effective, integrated, robust, layered ballistic missile defense system that is capable of intercepting ballistic missiles as described in paragraph (1) in various phases of flight;

(6) a layered defense requires fielding components on land and sea, space-based and other sensors, along with the command and control capability that ties the various components together; and

(7) it is in the national security interest of the United States to continue development, testing, and operations of the United States ballistic missile defense system to hedge against uncertainty in the development, test, and fielding of ballistic missile capabilities by rogue nations.

Subtitle D—Other Matters

SEC. 231. RESPONSIBILITY FOR HUMAN SYSTEMS INTEGRATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary shall—

(1) designate a senior official to be responsible for the effort; and

(2) supervise the planning, management, and coordination of such activities.

(c) RESPONSIBILITIES.—In carrying out this section, the Secretary shall—

(1) develop a Department of Defense Instruction, and as necessary a Department of Defense Directive, specific to human systems integration activities; and

(2) identify and recommend, as appropriate, resource requirements for human systems integration activities.

(d) DESIGNATION.—The designation required by subsection (b)(2) shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 232. EXPANSION OF AUTHORITY FOR ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

Section 2514(c) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3)(A) Under the Program, the defense laboratories and research centers may, through leases, contracts, or other appropriate arrangements, provide facilities, services, and equipment to private industry in order to promote accelerated development of critical technologies and technology transfer initiatives that support the Department of Defense.

''(B) The facilities, services, and equipment provided under this paragraph shall be provided on a non-interference basis.

''(C) The defense laboratory or research center—

''(i) shall charge, accept, and retain fees in amounts necessary to recover the full costs of the facilities, services, and equipment provided, including capital improvement costs, utility and service costs, and equipment depreciation costs; and

''(ii) may charge, accept, and retain fees for providing the facilities, services, and equipment.

''(D) The defense laboratory or research center may accept payment in cash or in kind for fees charged under subparagraph (C).

''(E) Fees accepted under subparagraph (C) shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.''.

SEC. 233. ARMY VENTURE CAPITAL FUND DEMONSTRATION.

(a) IN GENERAL.—Of the amounts appropriated pursuant to the authorization of appropriations in section 201(1) or otherwise made available for research, development, test, and evaluation, Army, $10,000,000 is available for the Army Venture Capital Fund demonstration, to be used only for investment in renewable energy technologies.

(b) DEFINITION.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2281), as extended and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1562).

SEC. 234. INDEPENDENT TESTS FOR COMBAT HELMET PAD SUSPENSION SYSTEMS.

(a) IN GENERAL.—From amounts made available pursuant to the authorization of appropriations in section 201(4) for research, development, test, and evaluation, Defense-wide, the Secretary of Defense shall carry out a test and evaluation of combat helmet pad suspension systems. The test and evaluation shall be carried out using verified product representative samples from the five producers of combat helmet pad suspension systems that are qualified as of the date of the enactment of this Act. The test and evaluation shall include an operational assessment of the pad suspension systems, including a field user evaluation.

(b) INDEPENDENT LABORATORY.—The test and evaluation shall be carried out in an objective and transparent manner by a certified and qualified laboratory that is independent of the Federal Government.

(c) REPORT.—Not later than September 30, 2008, the Secretary shall submit to the congressional defense committees a report on the results of the test and evaluation.

SEC. 235. REPORT ON IMPLEMENTATION OF MANUFACTURING TECHNOLOGY PROGRAM.

(a) REPORT REQUIRED.—Not later than March 1, 2008, 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 technologies and processes developed under the Manufacturing Technology Program required by section 2521 of title 10, United States Code.

(b) ELEMENTS.—The report shall identify each technology or process implemented and, for each such technology or process, shall identify—

(1) the project of the Manufacturing Technology Program through which the technology or process was developed, the Federal and non-Federal participants in that project, and the duration of the project;

(2) the organization or program implementing the technology or process, and the type of implementation;

(3) the total Federal funding required to implement the technology or process, including—

(A) funds provided by military departments and Defense Agencies under the Manufacturing Technology Program;

(B) funds provided by the Department of Defense, or any element of the Department, to co-develop the technology or process;

(C) to the maximum extent possible, funds provided by the Department of Defense, or any element of the Department, to—

(i) mature the technology or process prior to transition to the Manufacturing Technology Program; and

(ii) fully implement the technology or process;

(4) the total value of industry cost share, if applicable; and

(5) the total value of cost avoidance or cost savings directly attributable to the implementation of the technology or process.

(c) DEFINITION.—For purposes of this section, the term ''implementation'' refers to—

(1) the use of a technology or process in the manufacture of defense materiel;

(2) the identification of a technology or process in the manufacturing baseline for a program of record that has not yet achieved full rate production; or

(3) the use of a technology or process for the manufacture of commercial items.

(d) SCOPE.—The report shall include technologies or processes developed with funds appropriated or otherwise made available for Manufacturing Technology for fiscal years 2002 through 2007.

SEC. 236. ASSESSMENT OF SUFFICIENCY OF TEST AND EVALUATION PERSONNEL.

(a) ASSESSMENT REQUIRED.—The Director of Operational Test and Evaluation shall assess whether the Director's professional staff meets the requirement of section 139(j) of title 10, United States Code, that the staff be sufficient to carry out the Director's duties and responsibilities.

(b) INCLUSION IN REPORT.—The Director shall include the results of the assessment in the report, required by section 139(g) of title 10, United States Code, summarizing the operational test and evaluation activities during fiscal year 2007.

SEC. 237. REPEAL OF REQUIREMENT FOR SEPARATE REPORTS ON TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.

Subsection (c) of section 253 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalty in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Workplace and Depot Issues

Sec. 321. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
Sec. 322. Authorization of availability of working-capital funds for certain product improvements.
Sec. 323. Authorization of use of working-capital funds for acquisition of certain items.
Sec. 324. Modification to public-private competition requirements before conversion to contractor performance.
Sec. 325. Public-private competition at end of period specified in performance agreement not required.
Sec. 326. Guidelines on insourcing new and contracted out functions.
Sec. 327. Additional requirements for annual report on public-private competitions.
Sec. 328. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 329. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A-76.
Sec. 330. Public-private competition required before conversion to contractor performance.
Sec. 331. Reauthorization and modification of multi-trades demonstration project.

Subtitle D—Extension of Program Authorities

Sec. 341. Extension of Arsenal Support Program Initiative.
Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.

Subtitle E—Reports

Sec. 351. Inclusion of National Guard readiness for civil support missions in quarterly personnel and unit readiness report.
Sec. 352. Plan to improve readiness of active and reserve component ground forces.
Sec. 353. Plan for optimal use of strategic ports by commander of Surface Distribution and Deployment Command.
Sec. 354. Independent assessment of Civil Reserve Air Fleet viability.
Sec. 355. Annual report on prepositioned materiel and equipment.
Sec. 356. Conditions on relocation of North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base.
Sec. 357. Report on public-private partnerships.

Subtitle F—Other Matters

Sec. 361. Authority for Department of Defense to provide support for certain sporting events.
Sec. 362. Reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
Sec. 363. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
Sec. 364. Recovery of missing military property.
Sec. 365. Retention of Army combat uniforms by members of Army deployed in support of contingency operations.
Sec. 366. Issue of serviceable material other than to Armed Forces.
Sec. 367. Prohibition on deactivation of 36th Rescue Flight.
Sec. 368. Limitation on expenditure of funds for initial flight screening at Pueblo Memorial Airport.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 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, $28,868,671,000.

(2) For the Navy, $33,138,090,000.

(3) For the Marine Corps, $4,923,993,000.

(4) For the Air Force, $33,393,333,000.

(5) For Defense-wide activities, $22,732,978,000.

(6) For the Army Reserve, $2,508,062,000.

(7) For the Naval Reserve, $1,182,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,692,077,000.

(10) For the Army National Guard, $5,845,809,000.

(11) For the Air National Guard, $5,044,365,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $250,249,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $103,300,000.

(19) For Cooperative Threat Reduction programs, $398,000,000.

(20) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 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, $102,000,000.

(2) For the National Defense Sealift Fund, $1,535,194,000.

(3) For the Defense Working Capital Fund, Defense Commissary, $1,250,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,471,047,000, of which—

(1) $21,974,304,000 is for Operation and Maintenance;

(2) $134,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,455,724,000, of which—

(A) $1,162,452,000 is for Operation and Maintenance;

(B) $274,846,000 is for Research, Development, Test, and Evaluation; and

(C) $18,426,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) 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

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $936,822,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $215,995,000, of which—

(1) $214,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not

more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10–6J Special Account for the purpose described in section 315(a)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110–364; 120 Stat. 2141).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for environmental restoration, defense-wide.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) AUTHORITY TO REIMBURSE.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $186,625.38 to the Hazardous Substance Superfund to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as ''In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA–10–2003–0114: Administrative Order on Consent for Remedial Design and Remedial Action'' and entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for environmental restoration, defense-wide.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) PAYMENT REQUIRED.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than $40,000.00 to the Hazardous Substance Superfund to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure of the Department of the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) pursuant to a schedule included in an agreement entered into by the Department of the Navy and the Environmental Protection Agency (U.S. EPA Docket Number CERCLA–10–2005–0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for environmental restoration, Navy.

Subtitle C—Workplace and Depot Issues

SEC. 321. INCREASE IN THRESHOLD AMOUNT FOR CONTRACTS FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF WORKING-CAPITAL FUNDS FOR THE PROCUREMENT.

Section 2208(k)(2) of title 10, United States Code, is amended by striking ''$100,000'' and inserting ''$250,000''.

SEC. 322. AUTHORIZATION OF AVAILABILITY OF WORKING-CAPITAL FUNDS FOR CERTAIN PRODUCT IMPROVEMENTS.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(s) PRODUCT IMPROVEMENT.—(1) An engineering service, manufacturing effort, developmental testing, or operational test and evaluation effort for product improvement of a weapon system platform, major end item, component of a major end item, or article that is financed by a working-capital fund may be performed or acquired, if—

''(A) the combined cost of the engineering services, manufacturing efforts, development testings, and operational test and evaluation efforts for the product improvements that are financed by the working-capital fund is less than $15,000,000;

''(B) the unit cost of the platform, item, component, or article is less than $1,000,000; and

''(C) the product improvement would improve the reliability and maintainability, extend the useful life, enhance safety, lower maintenance costs, provide performance enhancement, or expand the performance capability of the weapon system platform or major end item.

''(2) Funds described in paragraph (1) may be used in accordance with that paragraph for a commercial or industrial type function performed as part of a public-private partnership at the Center of Industrial and Technical Excellence designated under section 2474 of this title.

''(3) Each report submitted under subsection (q) for a working-capital fund shall include a description of any use of funds described in paragraph (1) that is financed by that working-capital fund and a description of the anticipated product improvement under subparagraph (C) of that paragraph.''.

SEC. 323. AUTHORIZATION OF USE OF WORKING-CAPITAL FUNDS FOR ACQUISITION OF CERTAIN ITEMS.

Section 2208 of title 10, United States Code, as amended by section 332, is further amended by adding at the end the following new subsection:

''(t) ACQUISITION THRESHOLD FOR WEAPONS SYSTEM MODIFICATION, IMPROVEMENT AND LIFECYCLE EXTENSION.— (1) Any of the following items may be provided through working-capital funds, if the item has a unit cost of not more than $500,000:

''(A) An item that is materiel for supplies or supply chain management, assemblies, spare or repair parts, modification kits, or any other item of equipment to provide maintenance, repair, or overhaul and rework.

''(B) An item for continuous technology refreshment to provide newer technologies that improve reliability and maintainability, extend the useful life, enhance safety, lower maintenance costs, provide performance enhancement, or expand the performance capability of a weapons system platform.

''(2) With respect to an item described in paragraph (1), the Secretary of each military department may increase the acquisition threshold under paragraph (1) to an amount that does not exceed $1,000,000, if the Secretary—

''(A) determines the increase is necessary to maintain core logistics capabilities required by section 2464 of this title; and

''(B) not later than 30 days after such an increase, notifies Congress of the increase and the reasons for the increase.

''(3) An item described in paragraph (1) may be an item used for a commercial- or industrial-type function performed at a Center of Industrial and Technical Excellence designated under section 2474 of this title.''.

SEC. 324. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

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

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1)''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a) is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 325. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A public-private competition may not be required under Office of Management and Budget Circular A-76 or any other provision of law at the end of the period specified in the performance agreement for any function of the Department of Defense performed by Department of Defense civilian employees.''.

SEC. 326. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

(a) CODIFICATION AND REVISION OF REQUIREMENT FOR GUIDELINES.—

(1) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2462 the following new section:

''§2463. Guidelines for use of civilian employees to perform Department of Defense functions

''(a) GUIDELINES REQUIRED.—The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines to ensure

that consideration is given to using, on a regular basis, civilian employees of the Department of Defense to perform new functions and functions that are performed by contractors and could be performed by such civilian employees. The Secretary of a military department may prescribe regulations, if the Secretary determines such regulations are necessary for implementing such guidelines within that military department.

''(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines implemented under subsection (a) shall provide for special consideration to be given to using civilian employees of the Department of Defense to perform any function that—

''(1) was performed by a civilian employee of the Department of Defense at any time on or after October 1, 1980;

''(2) is associated with the performance of an inherently governmental function (as that term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note));

''(3) has been performed by a contractor pursuant to a contract awarded on a non-competitive basis; or

''(4) has been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer.

''(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—No public-private competition may be required under this chapter for any function of the Department of Defense that—

''(1) is associated with the performance of an inherently governmental function;

''(2) has been performed by a contractor pursuant to a contract that was awarded on a non-competitive basis, including a contract awarded without the conduct of a public-private competition under this section; or

''(3) has been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer.

''(d) LIMITATION ON COMPETITIONS FOR NEW AND EXPANDED FUNCTIONS.—(1) A public-private competition may not be conducted under this section for any Department of Defense function before—

''(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

''(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function pursuant to the guidelines implemented under subsection (a);

''(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

''(2) The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5 to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2462 the following new item:

''2463. Guidelines for use of civilian employees to perform Department of Defense functions.''.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—

(A) DEADLINE.—The Secretary of Defense shall implement the guidelines required under section 2463 of title 10, United States Code, as added by paragraph (1), by not later than 60 days after the date of the enactment of this Act.

(B) MORATORIUM ON COMPETITIONS UNTIL GUIDELINES ARE IMPLEMENTED.—No study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76 relating to the possible conversion to performance by a contractor of any Department of Defense function until the guidelines required under section 2463 of such title, as added by paragraph (1) are implemented.

(b) ESTABLISHMENT OF INVENTORY OF WORK PERFORMED BY CONTRACTORS.—Section 115a of title 10, United States Code is amended—

(1) in subsection (a)—

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

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

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

''(3) the estimated manpower requirements of each component of the Department of Defense projected to be met by contractor performance of Department of Defense functions and the estimated funding requirements associated with such contractor performance for the next fiscal year.''.

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

''(i) In each report, the Secretary shall include for each military department, combatant command, and major defense organization, a separate report describing contractor performance of Department of Defense functions during the preceding fiscal year. Chapter 35 of title 44 shall not apply to such report. In each such report, the Secretary shall—

''(1) specify the number of work-year equivalents performed by contractors in performing functions for each Department;

''(2) identify the contracting organization, the component of the Department of Defense administering the contract, and the organization whose requirements are being met through the contractor performance of the function, with an explanation in the event these organizational elements are distinct.

''(3) identify each organization specified under paragraph (2) at the unit level of detail, as maintained in the Department's manpower documentation systems;

''(4) identify the funding source for the contract under which the function is performed by appropriation and operating agency, and the associated funding levels obligated and disbursed for the reported work-year equivalents;

''(5) identify the functions and missions performed by the contractor;

''(6) specify whether the contract for the function was entered into pursuant to a public-private competition; and

''(7) describe the process by which the Department of Defense validates the contractor performance of such functions under section 2463 of this title.''.

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking section 343.

(d) INSPECTOR GENERAL 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 the congressional defense committees a report on the implementation of this section and the amendments made by this section. The report shall contain the assessment of the Inspector General of whether—

(1) the guidelines required under section 2463(a) of title 10, United States Code, as added by subsection (a), have been implemented;

(2) such guidelines, if developed, conform to the requirements of that section;

(3) a contractor inventory has been established pursuant to subsections (a)(3) and (i) of section 115a of such title, as added by subsection (b);

(4) functions for which the performance of which the Secretary of Defense has entered into a contract are being reviewed on a regular basis for possible conversion to performance by civilian employees of the Department of Defense; and

(5) performance by civilian employees of the Department of Defense is being considered to the maximum extent practicable for all new functions of the Department of Defense.

SEC. 327. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORT ON PUBLIC-PRIVATE COMPETITIONS.

Paragraph (1) of subsection (b) of section 2462 is amended by adding at the end the following new paragraphs:

''(4) For any function converted to performance by a contractor, the effect of such conversion on the quality of the performance of the function.

''(5) For any function for which a public-private competition is anticipated during any subsequent fiscal year, an assessment of whether any method of business reform or reengineering other than a public-private competition, including a decision to consolidate, restructure, or reengineer an organization, function, or activity covered under section 2475 of this title, could, if implemented in the future, achieve any anticipated or budgeted savings.''.

SEC. 328. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

(c) SUSPENSION AND REVIEW OF ONGOING PUBLIC-PRIVATE COMPETITIONS.—

(1) SUSPENSION.—During the 90-day period that begins on the date of the enactment of this Act, the Secretary of Defense shall suspend any review or public-private competition pursuant to Office of Management and Budget Circular A-76 that is being carried out on the date of the enactment of this Act.

(2) REVIEW.—During the 90-day period described in paragraph (1), the Secretary of Defense shall review each suspended review and public-private competition and shall determine, wholly independently and without regard to direction, guidance, encouragement, or requirement from the Office of Management and Budget, whether to cancel or continue each review or public-private competition.

(3) CRITERIA FOR CONTINUATION.—The Secretary of Defense may not continue a review or public-private competition pursuant to a determination under paragraph (2) unless the official responsible for the performance of the function and the Secretary of the military department concerned or agency head submits to the congressional defense committees a certification that the determination was made wholly independently and without regard to direction, guidance, encouragement, or requirement from the Office of Management and Budget and after considering less costly and controversial alternatives to such review or public-private competition.

SEC. 329. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 330. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—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. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 331. REAUTHORIZATION AND MODIFICATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) REAUTHORIZATION AND EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) in subsection (a)—

(A) by striking ''shall'' and inserting ''may''; and

(B) by striking ''three Naval Aviation Depots'' and inserting ''the Air Force Air Logistics Centers and the Navy Fleet Readiness Centers'';

(2) in subsection (b), by striking ''a Naval Aviation Depot'' and inserting ''an Air Force Air Logistics Center or Navy Fleet Readiness Center'';

(3) by striking subsection (d) and redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(4) in subsection (d), as so redesignated, by striking ''2004 through 2006'' and inserting ''2008 through 2013'';

(5) in subsection (e), as so redesignated, by striking ''2007'' and inserting ''2014''; and

(6) by amending subsection (f), as so redesignated, to read as follows:

''(f) ANNUAL GAO REPORT.—By not later than 30 days after the last day of a fiscal year, the Comptroller General shall submit to the congressional defense committees a report on the demonstration project under this section.''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING.—The heading for such section is amended to read as follows: ''**AIR FORCE AIR LOGISTICS CENTER AND NAVY FLEET READINESS CENTER MULTI-TRADES DEMONSTRATION PROJECT**''.

(2) TABLE OF CONTENTS.—The items relating to such section in the table of contents in section 2(b) of such Act and in the table of contents at the beginning of title III of such Act are each amended to read as follows:

''Sec. 338. Air Force Logistics Center and Navy Fleet Readiness Center multi-trades demonstration project.''.

Subtitle D—Extension of Program Authorities

SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2010''; and

(2) in subsection (g)(1), by striking ''2008'' and inserting ''2010''.

SEC. 342. EXTENSION OF PERIOD FOR REIMBURSEMENT FOR HELMET PADS PURCHASED BY MEMBERS OF THE ARMED FORCES DEPLOYED IN CONTINGENCY OPERATIONS.

(a) EXTENSION.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857) is amended—

(1) in subsection (a)(3), by inserting before the period at the end the following: '', or in the case of protective helmet pads purchased by a member from a qualified vendor for that member's personal use, on September 30, 2007'';

(2) in subsection (c)—

(A) by inserting after ''Armed Forces'' the following: ''shall comply with regular Department of Defense procedures for the submission of claims and''; and

(B) by inserting before the period at the end the following: ''or one year after the date on which the purchase of the protective, safety, or health equipment was made, whichever occurs last''; and

(3) in subsection (d), by adding at the end the following new sentence: ''Subsection (a)(1) shall not apply in the case of the purchase of protective helmet pads by or on behalf of a member.''.

(b) FUNDING.—Amounts for reimbursements made under section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 after the date of the enactment of this Act shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2008, contingent upon such appropriations being enacted.

Subtitle E—Reports

SEC. 351. INCLUSION OF NATIONAL GUARD READINESS FOR CIVIL SUPPORT MISSIONS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.

(a) INCLUSION.—Section 482 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by inserting after subsection (e) the following new subsections (f) and (g):

''(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

''(g) AVAILABILITY OF NATIONAL GUARD READINESS INFORMATION TO STATES.—With respect to the information required to be included in a report under subsection (f) that is relevant to the National Guard of a State, the Secretary of Defense shall make that information available to the Governor of the State.''; and

(3) in subsection (a), by striking ''subsections (b), (d), and (e)'' and inserting ''subsections (b), (d), (e), and (f)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a report submitted after the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—As part of the budget justification materials submitted to Congress in support of the President's budget for fiscal year 2009, the Secretary of Defense shall submit to the congressional defense committees a report on any steps the Secretary has taken to prepare to implement the requirement under subsection (f) of section 482 of title 10, United States Code, as added by subsection (a). The report shall include a description of the Secretary's plans for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information with State Governors.

SEC. 352. PLAN TO IMPROVE READINESS OF ACTIVE AND RESERVE COMPONENT GROUND FORCES.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on improving the readiness of the active and reserve components of the ground forces of the United States Armed Forces. Each such report shall include—

(1) a summary of the readiness of each reporting unit of the active and reserve components of the ground forces and a summary of the readiness of each major combat unit of each military department by readiness level, as reflected in the Department of Defense status of resources and training system;

(2) an identification of the extent to which the actual readiness ratings of the active and reserve components of the United States Armed Forces have been upgraded based on the judgment of commanders and any efforts of the Secretary of Defense to analyze the trends and implications of such upgrades;

(3) the goals of the Secretary of Defense for managing the readiness of the active and reserve components of the ground forces, expressed in terms of the number of units or percentage of the force that the Secretary plans to maintain at each level of readiness, and the Secretary's projected timeframe for achieving each such goal;

(4) a prioritized list of items and actions to be accomplished during the fiscal year during which the report is submitted and during the fiscal years covered by the future years defense program that the Secretary of Defense believes are necessary to significantly improve the readiness of the active and reserve components of the ground forces and achieve the goals and timeframes described in paragraph (3); and

(5) a detailed investment strategy and plan for each fiscal year covered by the future years defense program under section 221 of title 10, United States Code, that outlines the resources required to improve the readiness of the active and reserve components of the ground forces, including a description of how each resource identified in such plan relates to funding requested by the Secretary in the Secretary's annual budget, and how each such resource will specifically enable the Secretary to achieve the readiness goals described in paragraph (3) within the projected timeframes.

(b) COMPTROLLER GENERAL REVIEW.—By not later than 60 days after the date on which the report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform the congressional defense committees on issues relating to the readiness of the active and reserve components of the ground forces of the United States Armed Forces.

SEC. 353. PLAN FOR OPTIMAL USE OF STRATEGIC PORTS BY COMMANDER OF SURFACE DISTRIBUTION AND DEPLOYMENT COMMAND.

By not later than January 30, 2008, the Secretary of Defense shall develop and implement a plan to optimize the use of strategic ports by the Surface Distribution and Deployment Command. Such plan shall—

(1) address cost effectiveness, manning requirements, location, and maximization of utilization of resources for each strategic port; and

(2) include—

(A) an analysis of how each Surface Distribution and Deployment Command strategic port is chosen for the worldwide deployment and distribution of Department of Defense supplies, personal property, and personnel; and

(B) provisions for consultation with the local port authority for any strategic port at which there is no permanent Surface Distribution and Deployment Command presence.

SEC. 354. INDEPENDENT ASSESSMENT OF CIVIL RESERVE AIR FLEET VIABILITY.

(a) INDEPENDENT ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the viability of the Civil Reserve Air Fleet to be conducted by a federally-funded research and development center selected by the Secretary.

(b) CONTENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include each of the following:

(1) An assessment of the Civil Reserve Air Fleet as of the date of the enactment of this Act, including an assessment of—

(A) the level of increased use of commercial assets to fulfill Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(B) the extent of charter air carrier participation in fulfilling increased Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(C) any policy of the Secretary of Defense to limit the percentage of income a single air carrier participating in the Civil Reserve Air Fleet may earn under contracts with the Secretary during any calendar year and the effects of such policy on the air carrier industry in peacetime and during periods during which the armed forces are deployed in support of a contingency operation for which the Civil Reserve Air Fleet is not activated; and

(D) any risks to the charter air carrier industry as a result of the expansion of the industry in response to contingency operations resulting in increased demand by the Department of Defense.

(2) A strategic assessment of the viability of the Civil Reserve Air Fleet that compares such viability as of the date of the enactment of this Act with the projected viability of the Civil Reserve Air Fleet five, ten, and 15 years after the date of the enactment of this Act, including for activations at each of stages 1, 2, and 3—

(A) an examination of the requirements of the Department of Defense for Civil Reserve Air Fleet for the support of operational and contingency plans, including any anticipated changes in the Department's organic airlift capacity, logistics concepts, and personnel and training requirements;

(B) an assessment of air carrier participation in the Civil Reserve Air Fleet; and

(C) a comparison between the requirements of the Department needs described in subparagraph (A) and air carrier participation described in subparagraph (B).

(3) An examination of any perceived barriers to Civil Reserve Air Fleet viability, including—

(A) the operational planning system of the Civil Reserve Air Fleet;

(B) the reward system of the Civil Reserve Air Fleet;

(C) the long-term affordability of the Aviation War Risk Insurance Program;

(D) the effect on United States air carriers operating overseas routes during periods of Civil Reserve Air Fleet Activation;

(E) increased foreign ownership of United States air carriers;

(F) increased operational costs during activation as a result of hazardous duty pay, routing delays, and inefficiencies in cargo handling by the Department of Defense;

(G) the effect of policy initiatives by the Secretary of Transportation to encourage international code sharing and alliances; and

(H) the effect of limitations imposed by the Secretary of Defense to limit commercial shipping options for certain routes and package sizes.

(4) Recommendations for improving the Civil Reserve Air Fleet program.

(c) SUBMISSION TO CONGRESS.—Upon the completion of the assessment required under subsection (a) and by not later than April 1, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment.

(d) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the report is submitted under subsection (c), the Comptroller General shall conduct a review of the assessment required under subsection (a).

SEC. 355. ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL REPORT REQUIRED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2229a. Annual report on prepositioned materiel and equipment

''(a) ANNUAL REPORT REQUIRED.—Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the materiel in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is submitted. Each report shall be unclassified and may contain a classified annex. Each report shall include the following information:

''(1) The level of fill for major end items of equipment and spare parts in each prepositioned set as of the end of the fiscal year covered by the report.

''(2) The material condition of equipment in the prepositioned stocks as of the end of such fiscal year, rated based on the Department of Defense Status of Resources and Training system and grouped by category or major end item.

''(3) A list of major end items of equipment drawn from the prepositioned stocks during such fiscal year and a description of how that equipment was used and whether it was returned to the stocks after being used.

''(4) A timeline for completely reconstituting any shortfall in the prepositioned stocks.

''(5) An estimate of the amount of funds required to completely reconstitute any shortfall in the prepositioned stocks and a description of the Secretary's plan for carrying out such complete reconstitution.

''(6) A list of any operations plan affected by any shortfall in the prepositioned stocks and a description of any action taken to mitigate any risk that such a shortfall may create.

''(b) COMPTROLLER GENERAL REVIEW.—By not later than 60 days after the date on which the report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform the congressional defense on issues relating to the status of the materiel in the prepositioned stocks.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2229a. Annual report on prepositioned materiel and equipment.''.

SEC. 356. CONDITIONS ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER AND RELATED FUNCTIONS FROM CHEYENNE MOUNTAIN TO PETERSON AIR FORCE BASE.

(a) SUBMISSION OF COST-BENEFIT ANALYSIS AND RELOCATION PLAN.—The Secretary of Defense may not commence the relocation of or, if previously commenced, continue the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base, Colorado, until after the end of the 180-day period beginning on the date on which the Secretary submits to Congress a report containing—

(1) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(2) the final plans for the relocation of the North American Aerospace Defense command center and related functions.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Secretary of Defense submits the report required by subsection (a), the Comptroller General shall submit to Congress a review of the report and the final plans of the Secretary for relocation of the North American Aerospace Defense command center and related functions.

SEC. 357. REPORT ON PUBLIC-PRIVATE PARTNERSHIPS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee of Armed Services of the Senate a report regarding public-private partnerships at Centers of Industrial and Technical Excellence designated under section 2474 of title 10, United States Code.

(b) CONTENTS OF REPORT.—The report required under paragraph (1) shall include a description of each of the following:

(1) Common approaches and procedures for the military departments regarding implementation of public-private partnerships.

(2) Consistent cost methodologies and reimbursement guidance applicable to maintenance and repair workload performed by Federal Government personnel.

(3) Implementation procedures for completing contract negotiations for public-private partnerships within 12 months.

(4) The Secretary's utilization of commercial practices to replace existing inventory and component management, technical publication data, document management, and equipment maintenance, and calibration requirements of the Department of Defense.

(5) Delegation of Class 2 Design authority based on commercial practices to maintain the form, fit, and function of a weapon system platform, major end item, component of a major end item, or article.

(6) The Secretary's plan to expand Department of Defense core capabilities, as defined in section 2464 of such title.

Subtitle F—Other Matters

SEC. 361. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraph (1) through (4))—

''(A) that—

''(i) is held in the United States or any of its territories or commonwealths;

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee; and

''(B) for which participation exceeds 100 amateur athletes.''; and

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

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.''.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after ''international sporting competitions'' the following: ''and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,''; and

(2) by striking ''45 days'' and inserting ''15 days''.

SEC. 362. REASONABLE RESTRICTIONS ON PAYMENT OF FULL REPLACEMENT VALUE FOR LOST OR DAMAGED PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The regulations may include a requirement that a member of the armed forces or civilian employee comply with reasonable restrictions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).''.

SEC. 363. PRIORITY TRANSPORTATION ON DEPARTMENT OF DEFENSE AIRCRAFT OF RETIRED MEMBERS RESIDING IN COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES FOR CERTAIN HEALTH CARE SERVICES.

(a) AVAILABILITY OF TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

''§ 2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services

''(a) PRIORITY TRANSPORTATION.—The Secretary of Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

''(b) ELIGIBLE MEMBERS AND FORMER MEMBERS.—A member or former member eligible for priority transport under subsection (a) is a covered beneficiary under chapter 55 of this title who—

''(1) is entitled to retired or retainer pay or, but for age, would be eligible for retired pay under chapter 1223 of this title;

''(2) resides in or is located in a Commonwealth or possession of the United States; and

''(3) is referred by a primary care physician located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

''(c) SCOPE OF PRIORITY.—The increased priority for space-available transportation required by subsection (a) applies with respect to both—

''(1) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

''(2) the return travel.

''(d) DEFINITIONS.—In this section, the term 'specialty care provider' has the meaning given that term in section 1074i(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

''2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.''.

SEC. 364. RECOVERY OF MISSING MILITARY PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new sections:

''§ 2788. Property accountability: regulations

''The Secretary of a military department may prescribe regulations for the accounting for the property of that department and the fixing of responsibility for that property.

''§ 2789. Individual equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the armed forces may sell, lend, pledge, barter, or give any clothing, arms, or equipment furnished to such member by the United States to any person other than a member of the armed forces under the jurisdiction of the Secretary of the same military department as the member to which it is furnished, or an officer of the United States who is authorized to receive it.

''(b) SEIZURE OF IMPROPERLY DISPOSED PROPERTY.—If a member of the armed forces has disposed of property in violation of subsection (a) and the property is in the possession of a person who is neither a member of the armed forces under the jurisdiction of the Secretary of the same military department as the member who disposed of the property, nor an officer of the United States who is authorized to receive it, that person has no right to or interest in the property, and any civil or military officer of the United States may seize the property, wherever found. Possession of such property furnished by the United States to a member of the armed forces by a person who is neither a member of the armed forces, nor an officer of the United States, is prima facie evidence that the property has been disposed of in violation of subsection (a).

''(c) DELIVERY OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver the property to a person who is authorized to retain it.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''2788. Property accountability: regulations.

''2789. Individual equipment: unauthorized disposition.''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such title is further amended by striking the following sections:

(A) Section 4832.

(B) Section 4836.

(C) Section 9832.

(D) Section 9836.

(2) CLERICAL AMENDMENTS.—

(A) CHAPTER 453.—The table of sections at the beginning of chapter 453 of such title is amended by striking the items relating to sections 4832 and 4836.

(B) CHAPTER 953.—The table of sections at the beginning of chapter 953 of such title is amended by striking the items relating to sections 9832 and 9836.

SEC. 365. RETENTION OF ARMY COMBAT UNIFORMS BY MEMBERS OF ARMY DEPLOYED IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) RETENTION OF COMBAT UNIFORMS.—Chapter 435 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4566. Retention of Army combat uniforms by members deployed in support of contingency operations

''The Secretary of the Army may authorize a member of the Army who has been deployed in support of a contingency operation for at least 30 days to retain, after that member is no longer so deployed, the exterior articles of uniform that were issued to that member as part of an Army combat uniform.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4566. Retention of Army combat uniforms by members deployed in support of contingency operations.''.

(c) EFFECTIVE DATE.—Section 4566 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Army who completes a deployment on or after October 1, 2007.

SEC. 366. ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES.

(a) IN GENERAL.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 667—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES

''Sec.

''7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

''7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen.

''7913. Supplies: military instruction camps.

''§ 7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C

''Under such conditions as he may prescribe, the Secretary of the Navy may issue arms, tentage, and equipment that he considers necessary for proper military training, to any educational institution at which no unit of the Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by the Secretary and which has at least 50 physically fit students over 14 years of age.

''§ 7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen

''(a) AUTHORITY TO LEND.—The Secretary of the Navy may lend, without expense to the United States, magazine rifles and appendages that are not of the existing service models in use at the time and that are not necessary for a proper reserve supply, to any educational institution having a uniformed corps of midshipmen of sufficient number for target practice. He may also issue 40 rounds of ball cartridges for each midshipman for each range at which target practice is held, but not more than 120 rounds each year for each midshipman participating in target practice.

''(b) RESPONSIBILITIES OF INSTITUTIONS.—The institutions to which property is lent under subsection (a) shall—

''(1) use the property for target practice;

''(2) take proper care of the property; and

''(3) return the property when required.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

''§ 7913. Supplies: military instruction camps

''Under such conditions as he may prescribe, the Secretary of the Navy may issue, to any educational institution at which an officer of the naval service is detailed as professor of naval science, such supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and except for property properly expended, for its return when required.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 665 the following new item:

''667. Issue of Serviceable Material Other Than to Armed Forces ..... 7910.''.

SEC. 367. PROHIBITION ON DEACTIVATION OF 36TH RESCUE FLIGHT.

The Secretary of Defense shall ensure that no action is taken to deactivate the Air Force unit known as the 36th Rescue Flight that is assigned to Fairchild Air Force Base in Spokane, Washington, or to reassign or reorganize any of the search and rescue capabilities of that unit.

SEC. 368. LIMITATION ON EXPENDITURE OF FUNDS FOR INITIAL FLIGHT SCREENING AT PUEBLO MEMORIAL AIRPORT.

Of the amounts authorized to be appropriated for initial flight screening at Pueblo Memorial Airport, not more than 50 percent shall be expended until the Secretary of the Air Force submits to the congressional defense committees a

certification that the Secretary has developed a plan, together with the City of Pueblo, Colorado, to meet Air Force crash, fire, and rescue requirements to support Air Force flight operations at Pueblo Memorial Airport.

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.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.

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 2008 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. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.
Sec. 423. Offsetting transfers from National Defense Stockpile Transaction Fund.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) IN GENERAL.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.

(2) The Navy, 329,098.

(3) The Marine Corps, 189,000.

(4) The Air Force, 329,651.

(b) LIMITATION.—

(1) ARMY.—The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 489,400 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

(2) MARINE CORPS.—The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 180,000 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

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, 525,400.

''(2) For the Navy, 329,098.

''(3) For the Marine Corps, 189,000.

''(4) For the Air Force, 329,563.''.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2009 AND 2010.

(a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 22,000.

(b) MARINE CORPS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 13,000.

(c) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under this section are—

(1) to support operational missions; and

(2) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

(d) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(e) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under this section is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(f) BUDGET TREATMENT.—

(1) FISCAL YEARS 2009 AND 2010 BUDGETS.—The budget for the Department of Defense for fiscal years 2009 and 2010 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under this section, then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2008 active duty end strength authorized for that service under section 401.

(g) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2008 BASELINE.—The term ''fiscal-year 2008 baseline'', with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 401.

(2) ACTIVE-DUTY END STRENGTH.—In this subsection, the term ''active-duty end strength'' means the strength for active-duty personnel of one of the Armed Forces as of the last day of a fiscal year.

(h) REPEAL OF OTHER DISCRETIONARY AUTHORITY TO TEMPORARILY INCREASE ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS.—

(1) BASE LAW.—Section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 115 note) is repealed.

(2) DELAYED AMENDMENT.—Section 403 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2169) is repealed.

SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The portion of the table in section 523(a)(1) of title 10, United States Code, relating to the Army is amended to read as follows:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	7,768	5,253	1,613
25,000	8,689	5,642	1,796
30,000	9,611	6,030	1,980
35,000	10,532	6,419	2,163
40,000	11,454	6,807	2,347
45,000	12,375	7,196	2,530
50,000	13,297	7,584	2,713
55,000	14,218	7,973	2,897
60,000	15,140	8,361	3,080
65,000	16,061	8,750	3,264
70,000	16,983	9,138	3,447
75,000	17,903	9,527	3,631
80,000	18,825	9,915	3,814
85,000	19,746	10,304	3,997
90,000	20,668	10,692	4,181
95,000	21,589	11,081	4,364
100,000	22,511	11,469	4,548
110,000	24,354	12,246	4,915
120,000	26,197	13,023	5,281
130,000	28,040	13,800	5,648
170,000	35,412	16,908	7,116''.

SEC. 405. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN THE GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.

The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
69,000	14,245	8,352	3,718
72,000	17,517	9,890	4,467''.

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, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 67,800.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,500.

(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, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,240.

(2) The Army Reserve, 15,870.

(3) The Navy Reserve, 11,579.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,944.

(6) The Air Force Reserve, 2,721.

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 2008 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, 8,249.

(2) For the Army National Guard of the United States, 26,502.

(3) For the Air Force Reserve, 9,909.

(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 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, 2008, 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, 2008, 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, 2008, 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 2008, 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. FUTURE AUTHORIZATIONS AND ACCOUNTING FOR CERTAIN RESERVE COMPONENT PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY TO PROVIDE OPERATIONAL SUPPORT.

(a) REVIEW OF OPERATIONAL SUPPORT MISSIONS PERFORMED BY CERTAIN RESERVE COMPONENT PERSONNEL.—

(1) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the long-term operational support missions performed by members of the reserve components authorized under section 115(b) of title 10 United States Code to be on active duty or full-time National Guard duty for the purpose of providing operational support, with the objectives of such review being—

(A) minimizing the number of reserve component members who perform such service for a period greater than 1095 consecutive days, or cumulatively for 1095 days out of the previous 1460 days; and

(B) determining which long-term operational support missions being performed by such members would more appropriately be performed by members of the Armed Forces on active duty under other provisions of title 10, United States Code, or by full-time support personnel of reserve components.

(2) SUBMISSION OF RESULTS.—Not later than March 1, 2008, the Secretary shall submit to Congress the results of the review, including a description of the adjustments in Department of Defense policy to be implemented as a result of the review and such recommendations for changes in statute, as the Secretary considers to be appropriate.

(b) IMPROVED ACCOUNTING FOR RESERVE COMPONENT PERSONNEL PROVIDING OPERATIONAL SUPPORT.—Section 115(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) As part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the end strength authorizations required under subparagraphs (A) and (B) of subsection (a)(1) for fiscal year 2009 and each fiscal year thereafter, the Secretary shall provide the following:

''(A) The number of members, specified by reserve component, authorized under subparagraphs (A) and (B) of paragraph (1) who were serving on active duty or full-time National Guard duty for operational support beyond each of the limits specified under subparagraphs (A) and (B) of paragraph (2) at the end of the fiscal year preceding the fiscal year for which the budget justification materials are submitted.

''(B) The number of members, specified by reserve component, on active duty for operational support who, at the end of the fiscal year for

which the budget justification materials are submitted, are projected to be serving on active duty or full-time National Guard duty for operational support beyond such limits.

''(C) The number of members, specified by reserve component, on active duty or full-time National Guard duty for operational support who are included in, and counted against, the end strength authorizations requested under subparagraphs (A) and (B) of subsection (a)(1).

''(D) A summary of the missions being performed by members identified under subparagraphs (A) and (B).''.

SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SELECTED RESERVE END STRENGTHS.

Section 115(f)(3) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

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 2008 a total of $115,439,889,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2008.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

SEC. 423. OFFSETTING TRANSFERS FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $150,000,000 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.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 503. Special promotion authority for Navy career military professors.

Subtitle B—Reserve Component Matters

Sec. 511. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 512. Constructive service credit upon original appointment of reserve officers in certain health care professions.
Sec. 513. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air Force Reserve officer.
Sec. 514. Military technicians (dual status) in the Selected Reserve.
Sec. 515. Working group on reintegration of reserve component members returning from deployment.
Sec. 516. National Guard yellow ribbon reintegration program.
Sec. 517. Advance notice to members of reserve components of deployment in support of contingency operations.

Subtitle C—Education and Training

Sec. 521. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
Sec. 522. Increase in annual limit on number of ROTC scholarships under Army Reserve and Army National Guard program.
Sec. 523. Revisions to authority to pay tuition for off-duty training or education.
Sec. 524. National Defense University master's degree programs.
Sec. 525. Recodification in title 38, United States Code, of certain educational assistance programs for members of the reserve components.
Sec. 526. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
Sec. 527. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport high schools.

Subtitle D—General Service Authorities

Sec. 531. Authority to reduce required service obligation for initial appointment of qualified health professionals as officers in critical specialties.
Sec. 532. Reenlistment in former enlisted grade after service as an officer.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 541. Authority to designate certain civilian employees of the Federal Government as eligible for legal assistance from Department of Defense legal staff resources.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
Sec. 552. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
Sec. 553. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
Sec. 554. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor during the Civil War.
Sec. 555. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews Raiders during the Civil War.
Sec. 556. Cold War Victory Medal.

Subtitle G—Impact Aid and Defense Dependents Education System

Sec. 561. Tuition assistance for military dependents in overseas areas where schools operated by Defense Dependents' Education System are not reasonably available.
Sec. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle H—Other Matters

Sec. 571. Extension of authority to accept gifts, devises, or bequests to benefit members of the Armed Forces, dependents, and civilian employees of the Department of Defense.
Sec. 572. Uniform performance policies for military bands and other musical units.
Sec. 573. Repeal of limitation on number of academies of Department of Defense STARBASE Program in a single State.
Sec. 574. Combat veterans mentoring program for current members of the Armed Forces.
Sec. 575. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.
Sec. 576. Program to commemorate 50th anniversary of the Vietnam War.

Subtitle A—Officer Personnel Policy

SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

(a) CONTINUATION IN GRADE WHILE AWAITING ORDERS.—Section 601(b) of title 10, United States Code, is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) at the discretion of the Secretary of Defense, while the officer is awaiting orders after being relieved from the position designated under subsection (a) or by law to carry one of those grades, but not for more than 60 days beginning on the day the officer is relieved from the position, unless, during such period, the officer is placed under orders to another position designated under subsection (a) or by law to carry one of those grades, in which case paragraph (2) will also apply to the officer.''.

(b) CONFORMING AMENDMENT REGARDING GENERAL AND FLAG OFFICER CEILINGS.—Section 525(e) of such title is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.''.

SEC. 502. INCREASE IN YEARS OF COMMISSIONED SERVICE THRESHOLD FOR DISCHARGE OF PROBATIONARY OFFICERS AND FOR USE OF FORCE SHAPING AUTHORITY.

(a) ACTIVE-DUTY LIST OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Paragraph (1)(A) of section 630 of title 10, United States Code, is amended by striking ''five years'' and inserting ''six years''.

*(2) SECTION HEADING.—The heading of such section is amended by striking ''**five years**'' and inserting ''**six years**''.*

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

''630. Discharge of commissioned officers with less than six years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).''.

(b) OFFICER FORCE SHAPING AUTHORITY.—Section 647(b)(1) of such title is amended by striking ''5 years'' both places it appears and inserting ''six years''.

(c) RESERVE OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Subsection (a)(1)(A) of section 14503 of such title is amended by striking ''five years'' and inserting ''six years''.

*(2) SECTION HEADING.—The heading of such section is amended by striking ''**five years**'' and inserting ''**six years**''.*

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1407 of such title is amended to read as follows:

''14503. Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).''.

SEC. 503. SPECIAL PROMOTION AUTHORITY FOR NAVY CAREER MILITARY PROFESSORS.

(a) REMOVAL FROM CHAPTER 36 PROMOTION PROCESS.—Paragraph (2) of section 641 of title 10, United States Code, is amended to read as follows:

''(2) The director of admissions, dean, and permanent professors at the United States Military Academy, the registrar, dean, and permanent professors at the United States Air Force Academy, and permanent professors at the United States Naval Academy.''.

(b) ESTABLISHMENT OF SPECIAL PROMOTION PROCESS.—Chapter 603 of such title is amended by inserting after section 6970 the following new section:

''§ 6970a. Permanent professors: promotion

''(a) PROMOTION AUTHORITY.—An officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel may be recommended for promotion to the grade of captain or colonel, as the case may be.

''(b) ELIGIBILITY FOR PROMOTION.—An officer described in subsection (a) is not eligible for promotion under this section until after the date on which the officer completes six years of service as a permanent professor or career military professor.

''(c) ACTUAL PROMOTION.—The promotion of an officer recommended for promotion under this section is subject to appointment of the officer to the higher grade by the President, by and with the advice and consent of the Senate.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6970 the following new item:

''6970a. Permanent professors: promotion.''.

Subtitle B—Reserve Component Matters

SEC. 511. MANDATORY SEPARATION OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL AFTER COMPLETION OF 38 YEARS OF COMMISSIONED SERVICE.

(a) MANDATORY SEPARATION.—Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

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

''(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general and each reserve officer of the Navy in the grade of vice admiral shall, 30 days after completion of 38 years of commissioned service, be separated in accordance with section 14514 of this title.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF)'' after ''GRADE'' in the subsection heading; and

(2) in subsection (b), by inserting ''FOR MAJOR GENERALS AND REAR ADMIRALS'' after ''GRADE'' in the subsection heading.

SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE OFFICERS IN CERTAIN HEALTH CARE PROFESSIONS.

(a) INCLUSION OF ADDITIONAL HEALTH CARE PROFESSIONS.—Paragraph (2) of section 12207(b) of title 10, United States Code, is amended to read as follows:

''(2)(A) If the Secretary of Defense determines that the number of officers in a health profession described in subparagraph (B) who are serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed in such health profession by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment as an officer for service in such health profession with a period of constructive credit in such amount (in addition to any amount credited such person under paragraph (1)) as will result in the grade of such person being that of captain or, in the case of the Navy Reserve, lieutenant.

''(B) The types of health professions referred to in subparagraph (A) include the following:

''(i) Any health profession performed by officers in the Medical Corps of the Army or the Navy or by officers of the Air Force designated as a medical officer.

''(ii) Any health profession performed by officers in the Dental Corps of the Army or the Navy or by officers of the Air Force designated as a dental officer.

''(iii) Any health profession performed by officers in the Medical Service Corps of the Army or the Navy or by officers of the Air Force designated as a medical service officer or biomedical sciences officer.

''(iv) Any health profession performed by officers in the Army Medical Specialist Corps.

''(v) Any health profession performed by officers of the Nurse Corps of the Army or the Navy or by officers of the Air Force designated as a nurse.

''(vi) Any health profession performed by officers in the Veterinary Corps of the Army or by officers designated as a veterinary officer.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of such section is amended by striking ''a medical or dental officer'' and inserting ''officers covered by paragraph (2)''.

SEC. 513. MAXIMUM PERIOD OF TEMPORARY FEDERAL RECOGNITION OF PERSON AS ARMY NATIONAL GUARD OFFICER OR AIR FORCE RESERVE OFFICER.

Section 308(a) of title 32, United States Code, is amended in the last sentence by striking ''six months'' and inserting ''one year''.

SEC. 514. MILITARY TECHNICIANS (DUAL STATUS) IN THE SELECTED RESERVE.

(a) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—Section 10216 of title 10, United States Code, is amended by inserting after subsection (f) the following new subsection:

''(g) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—(1) Notwithstanding subsection (d) of this section or subsections (a)(3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of a combat-related disability (as defined in section 1413a of this title), the person may be retained as a non-dual status technician so long as—

''(A) the combat-related disability does not prevent the person from performing the non-dual status functions or position; and

''(B) the person, while a non-dual status technician, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

''(2) A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

''(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.''.

(b) TEMPORARY EMPLOYMENT AUTHORITY.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(4) The secretary of a military department may temporarily waive the requirements of subsection (a)(1)(B) in order to fill a military technician (dual status) position while that position is vacant as a result of the mobilization of the technician normally assigned to that position under a call to active duty for a period of more than 30 days under section 12301, 12302, or 12304 of this title in support of a contingency operation. In no case may the waiver authority be used in connection with any position for more than two years. The Secretary of Defense shall prescribe regulations to carry out this paragraph.''.

(c) DEFERRAL OF MANDATORY SEPARATION.—Subsection (f) of such section is amended—

(1) by striking ''The Secretary of the Army'' and inserting ''(1) The Secretary of the Army and the Secretary of the Air Force'';

(2) by striking ''the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title).'' and inserting the following: ''the military technician (dual status)—

''(A) reaches age 60 and attains eligibility for an unreduced annuity; or

''(B) attains eligibility for an unreduced annuity after age 60, but in no case may the separation be deferred for more than 30 days after the person reaches age 62.''; and

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

''(2) For purposes of this subsection, the determination of whether a technician is eligible for an unreduced annuity shall be made in the manner provided by section 10218(d) of this title.''.

SEC. 515. WORKING GROUP ON REINTEGRATION OF RESERVE COMPONENT MEMBERS RETURNING FROM DEPLOYMENT.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the reintegration needs of members of the reserve components who return from overseas operational deployment.

(b) MEMBERS.—The working group shall consist of 16 members, to be appointed by the Secretary of Defense. The Secretary shall attempt to achieve a balance of members on the working group from, at a minimum, the following:

(1) The Department of Defense.

(2) The Department of Veterans Affairs.

(3) One member each from the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, and the Air Force Reserve.

(4) At least one dependent of a member of the Army National Guard or Air National Guard who has been deployed overseas.

(5) At least one dependent of a member of the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve who has been deployed overseas.

(6) One State adjutant general.

(7) Representatives of other Federal agencies and non-Federal members, as considered appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall—

(1) identify and assess the needs of members of the reserve components returning from deployment in making the transition to civilian life, including members who have experienced multiple recent deployments and members who have been wounded or injured during deployment, and identify and assess the needs of the families of such members;

(2) develop recommendations on means of improving assistance to such members in meeting the needs identified in paragraph (1) on their return from deployment and in meeting the need of their families identified in paragraph (1); and

(3) assess the current transition and reintegration programs employed by the reserve components for members and their families following redeployment.

(d) ELEMENTS OF ASSESSMENT.—The assessment required by subsection (c)(3) shall include—

(1) a comparison of existing reintegration programs by service, State, or command;

(2) an analysis of participation of other Federal agencies in current programs;

(3) the costs associated with different programs;

(4) identification of best practices from existing programs; and

(5) a recommended plan for incorporating the best practices into current reserve component demobilization activities.

(e) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group shall consult with the following:

(1) Representatives of organizations that assist wounded or injured members of the reserve components.

(2) Representatives of organizations that assist family members of members of the reserve components.

(3) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(f) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the working group shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report shall include the following:

(A) The results of the identifications and assessments required under subsection (c).

(B) The recommendations developed under subsection (c)(2), including recommendations regarding the following:

(i) The provision of outreach and assistance to members of the reserve components returning from deployment and the provision of outreach and assistance to their families.

(ii) The improvement of collaboration between the public and private sectors in order to ensure the successful transition of such members and their families upon the return of such members from deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report available to the public, including through the internet web site of the Department of Defense.

SEC. 516. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for reserve component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-deployment-reconstitution.

(c) CONSULTATION.—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's ''Beyond the Yellow Ribbon'' Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. This office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze ''lessons learned'' and suggestions from State National Guard organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard organizations. Representatives from State National Guard organizations with successful reintegration programs may augment the Office staff.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard organizations;

(ii) an assessment of any unmet resource requirements;

(iii) an assessment of the reintegration program's further inclusion of other reserve component members and the necessity for further expansion to incorporate all the reserve components; and

(iv) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(4) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

(A) developing and managing the reintegration curriculum;

(B) contracting and recruiting for necessary service providers; and

(C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard organizations. The Office of Reintegration Programs shall consult with affected State National Guard organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The pre-deployment phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The deployment phase shall constitute the period from deployment of the mobilized National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The demobilization phase shall constitute the period from arrival of the National Guard unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the demobilization phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the initial reintegration activity as determined by the State National Guard organizations. Remaining events shall be conducted during the post-deployment-reconstitution phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The post-deployment-reconstitution phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the demobilization phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on

reconnecting service members and family members with the service providers from initial reintegration activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The reintegration activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day interval.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SEC. 517. ADVANCE NOTICE TO MEMBERS OF RESERVE COMPONENTS OF DEPLOYMENT IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ADVANCE NOTICE REQUIRED.—The Secretary of Defense shall ensure that a member of a reserve component who will be called or ordered to active duty for a period of more than 30 days in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) receives notice in advance of the mobilization date. At a minimum the notice shall be provided not less than 30 days before the mobilization date, but with a goal of 90 days before the mobilization date.

(b) REDUCTION OR WAIVER OF NOTICE REQUIREMENT.—The Secretary of Defense may waive the requirement of subsection (a), or authorize shorter notice than the minimum specified in such subsection, during a war or national emergency declared by the President or Congress or to meet mission requirements. If the waiver or reduction is made on account of mission requirements, the Secretary shall submit to Congress a report detailing the reasons for the waiver or reduction and the mission requirements at issue.

Subtitle C—Education and Training

SEC. 521. REDUCTION OR ELIMINATION OF SERVICE OBLIGATION IN AN ARMY RESERVE OR ARMY NATIONAL GUARD TROOP PROGRAM UNIT FOR CERTAIN PERSONS SELECTED AS MEDICAL STUDENTS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended to read as follows:

''(3)(A) Subject to subparagraph (C), in the case of a person described in subparagraph (B), the Secretary may, at any time and with the consent of the person, modify an agreement described in paragraph (1)(F) submitted by the person for the purpose of reducing or eliminating the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation.

''(B) Subparagraph (A) applies with respect to the following persons:

''(i) A cadet under this section at a military junior college.

''(ii) A cadet or former cadet under this section who is selected under section 2114 of this title to be a medical student at the Uniformed Services University of the Health Sciences.

''(iii) A cadet or former cadet under this section who signs an agreement under section 2122 of this title for participation in the Armed Forces Health Professions Scholarship and Financial Assistance program.

''(C) The modification of an agreement described in paragraph (1)(F) may be made only if the Secretary determines that it is in the best interests of the United States to do so.''.

SEC. 522. INCREASE IN ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD PROGRAM.

Subsection (h) of section 2107a of title 10, United States Code, is amended by striking ''416'' and inserting ''424''.

SEC. 523. REVISIONS TO AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING OR EDUCATION.

(a) INCLUSION OF COAST GUARD.—Section 2007(a) of title 10, United States Code, is amended by striking ''Subject to subsection (b), the Secretary of a military department'' and inserting ''Subject to subsections (b) and (c), the Secretary concerned''.

(b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—Section 2007(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after ''commissioned officer on active duty'' the following: ''(other than a member of the Ready Reserve)'';

(B) by striking ''the Secretary of the military department concerned'' and inserting ''the Secretary concerned''; and

(C) by striking ''or full-time National Guard duty'' both places it appears; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''the Secretary of the military department'' and inserting ''the Secretary concerned'';

(B) in subparagraph (B), by inserting after ''active duty service'' the following: ''for which the officer was ordered to active duty''; and

(C) in subparagraph (C), by striking ''Secretary'' and inserting ''Secretary concerned''.

(c) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—Section 2007(c) of title 10, United States Code, is amended to read as follows:

''(c) In the case of a member of the Ready Reserve, the following provisions apply:

''(1) If the member is an officer of the Selected Reserve, or of the Ready Reserve but not of the Selected Reserve, the Secretary concerned may not pay charges under subsection (a) unless the officer agrees to remain a member of the Selected Reserve or of the Ready Reserve (as applicable) for at least four years after completion of the education or training for which the charges are paid.

''(2) If the member is an enlisted member in the Selected Reserve, or in the Ready Reserve but not in the Selected Reserve, the Secretary concerned may order the member to serve, after completion of the education or training for which the charges are paid, in the Selected Reserve or in the Ready Reserve (as applicable) for such period of time as the Secretary concerned prescribes, but not for more than four years.

''(3) In addition, if the member is a member of the Individual Ready Reserve, the Secretary concerned may not pay charges under subsection (a) unless the Secretary concerned, based upon the needs of the service and the military skills or specialties of the member, selects the member for participation under this section. The Secretary concerned shall designate the military skills or specialties of members to be eligible for selection under this section.''.

(d) CONFORMING AMENDMENT.—Section 2007 of title 10, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(e) REPAYMENT.—Subsection (e) of such section, as so redesignated by subsection (d), is amended—

(1) by striking ''an officer'' and inserting ''a member'';

(2) by striking ''subsection (b)'' and inserting ''this section'';

(3) by striking ''of active duty''; and

(4) by striking ''the officer'' and inserting ''the member''.

(f) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) This section shall be administered under regulations prescribed by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security.''.

SEC. 524. NATIONAL DEFENSE UNIVERSITY MASTER'S DEGREE PROGRAMS.

(a) IN GENERAL.—Section 2163 of title 10, United States Code, is amended—

(1) by striking the heading and inserting the following:

''§2163. National Defense University: master's degree programs'';

(2) in subsection (a), by inserting after ''master of science'' the following: ''or master of arts''; and

(3) in subsection (b), by adding at the end the following new paragraph:

''(4) MASTER OF ARTS IN STRATEGIC SECURITY STUDIES.—The degree of master of arts in strategic security studies, to graduates of the University who fulfill the requirements of the program at the School for National Security Executive Education.''.

(b) 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. National Defense University: master's degree programs.''.

(c) APPLICABILITY TO 2006-2007 GRADUATES.—Paragraph (4) of section 2163(b) of title 10, United States Code (as added by subsection (a) of this section), applies to any person who becomes a graduate on or after September 6, 2006.

SEC. 525. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS

''SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

''Sec.
''3301. Educational assistance program: establishment; amount.
''3302. Eligibility for educational assistance.
''3303. Time limitation for use of entitlement.
''3304. Termination of assistance.
''3305. Failure to participate satisfactorily; penalties.
''3306. Administration of program
''3307. Reports to Congress.

''SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

''3321. Purpose.
''3322. Educational assistance program.
''3323. Eligibility for educational assistance.
''3324. Time limitation for use of entitlement.
''3325. Termination of assistance.
''3326. Administration of program.

''SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

''§3301. Educational assistance program: establishment; amount

''(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed

by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

''(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

''(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

''(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

''(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

''(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

''(i) be charged against the entitlement of any individual under this subchapter; or

''(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

''(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

''(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

''(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

''(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

''(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

''(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

''(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

''(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

''(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

''(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

''(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

''(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

''(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

''(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

''(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

''(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

''(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

''(ii) the actual charge to the person for such course or courses.

''(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

''(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

''(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

''(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

''(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

''(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

''(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

''(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

''(4) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

''(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

''(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

''(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

''(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

''(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

''(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed $100 for any month, nor aggregate more than $1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

''(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

''(i) the individualized tutorial assistance is essential to correct a deficiency of the person in

a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

''(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

''(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

''(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of $600.

''(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

''(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

''(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

''(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subchapter.

''§ 3302. Eligibility for educational assistance

''(a) ELIGIBILITY.—A person who—

''(1) after June 30, 1985—

''(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

''(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

''(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

''(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

''(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

''(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

''§ 3303. Time limitation for use of entitlement

''(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

''(b) EXCEPTIONS.—(1) In the case of a person—

''(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

''(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

''(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

''(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

''(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

''(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

''(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

''§ 3304. Termination of assistance

''Educational assistance may not be provided under this subchapter—

''(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

''(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

''§ 3305. Failure to participate satisfactorily; penalties

''(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

''(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

''(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

''(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

''(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

''§ 3306. Administration of program

''(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

''(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

''(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

''(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis

of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

"§ 3307. Biennial report to Congress

''The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.

''SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

"§ 3321. Purpose

''The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

"§ 3322. Educational assistance program

''(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

''(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

''(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

''(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

''(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

''(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

''(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

''(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

''(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

''(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

''(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

''(i) be charged against the entitlement of any individual under this subchapter; or

''(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

''(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

''(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

''(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

''(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

''(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

''(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

''(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

''(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

''(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"§ 3323. Eligibility for educational assistance

''(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

''(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

''(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

''(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter at the rate prescribed in section 3322(c)(4)(A) of this title.

''(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

''(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

''(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

''(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

''(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

"§ 3324. Time limit for use of entitlement

''(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

''(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

''(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

''(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

"§ 3325. Termination of assistance

''(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

''(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

''(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

''(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

''§ 3326. Administration of program

''(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

''(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

''(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.''.

(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—

(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Educational Assistance for Members of the Reserve Components .... 3301''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking ''chapter 106 or 107 of title 10'' and inserting ''under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10''; and

(ii) in subsection (c), by striking ''chapter 106 of title 10'' and inserting ''subchapter I of chapter 33 of this title''.

(B) Section 3221(f) of such title is amended by striking ''chapter 106 of title 10'' and inserting ''subchapter I of chapter 33 of this title''.

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking ''34, 35, or 36 of this title or 106 or 107 of title 10,'' and inserting ''33, 34, 35, or 36 of this title''; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: '', and subchapters I and II of chapter 33 of this title''; and

(II) in paragraph (2), by striking ''Chapters 106 and'' and inserting ''Chapter''.

(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

''(1) The term 'armed forces education liabilities' means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.''.

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by striking subparagraph (C) and inserting the following new subparagraph:

''(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.''.

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

''§ 2131. Reference to subchapter I of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).''.

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

''2131. Reference to subchapter I of chapter 33 of title 38.''.

(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

''Sec.
''16131. Reference to subchapter I of chapter 33 of title 38.

''§ 16131. Reference to subchapter I of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).''.

(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

''Sec.
''16161. Reference to subchapter II of chapter 33 of title 38.

''§ 16161. Reference to subchapter II of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).''.

(4) ADDITIONAL CONFORMING AMENDMENTS.—

(A) TITLE 38, UNITED STATES CODE.—

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking ''chapter 1606 or 1607 of title 10'' and inserting ''chapter 33 of this title'';

(II) in subsection (b), by striking ''chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10,'' and inserting ''chapter 30, 31, 32, 33, or 34 of this title''; and

(III) in subsection (e)(1)—

(aa) by striking '', chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10'' and inserting ''or chapter 30, 31, 32, 33, 35, or 36 of this title''; and

(bb) by striking ''section 2135 of such title'' and inserting ''section 3305 of this title''.

(ii) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking ''chapters 30 and 35 of this title and chapter 1606 of title 10'' and inserting ''chapters 30, 33, and 35 of this title''; and

(II) in paragraph (4), by striking ''chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be'' and inserting ''chapter 30, 33, or 35 of this title''.

(iii) Section 3674 of such title is amended—

(I) in subsection (a)(1), by striking ''and chapter 106 of title 10''; and

(II) in subsection (c), by inserting ''33,'' after ''32,''.

(iv) Section 3680A(d)(1) of such title is amended—

(I) by striking ''or under chapter 106 of title 10'' the first place it appears; and

(II) by striking ''or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10'' and inserting ''or chapter 30, 31, 32, 33, or 35 of this title''.

(v) Section 3684A(a)(1) of such title is amended by striking ''chapter 30 or 32 of this title or in chapter 106 of title 10'' and inserting ''chapter 30, 32, or 33 of this title''.

(vi) Section 3688(b) of such title is amended by striking '', chapter 30, 32, or 35 of this title, or chapter 106 of title 10'' and inserting ''or chapter 30, 32, 33, or 35 of this title''.

(vii) Section 3689 of such title is amended by inserting ''33,'' after ''32,'' each place it appears.

(viii) Section 3692 of such title is amended—

(I) in subsection (a), by striking ''or 35 of this title and chapter 1606 of title 10'' and inserting ''33, or 35 of this title''; and

(II) in subsection (b), by striking '', chapters 30, 32, and 35 of this title, and chapter 1606 of title 10'' and inserting ''and chapters 30, 32, 33, and 35 of this title''.

(ix) Section 3695(a) of such title is amended—

(I) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title.''; and

(II) in paragraph (5), by striking '', 1606, 1607,''.

(x) Section 3697(a) of such title is amended by striking ''chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10,'' and inserting ''chapter 30, 32, 33, 34, or 35 of this title''.

(xi) Section 3697A(b)(1) of such title is amended by striking ''or 32 of this title or chapter 106'' and inserting ''32, or 33 of this title or chapter''.

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38'' and inserting ''basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title''; and

(II) in subparagraph (B)—

(aa) by striking ''chapter 1606 of this title or chapter 30 of title 38'' and inserting ''chapter 30 or subchapter I of chapter 33 of title 38''; and

(bb) by striking ''either such chapter'' each place it appears and inserting ''either such provisions''; and

(ii) in paragraph (3)(A), by striking ''educational assistance under chapter 1606 of this title'' and all that follows through ''as the case may be'' and inserting ''basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be''.

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(g)) is amended by striking ''chapter 30 of title 38 or chapter 1606 of title 10'' and inserting ''chapter 30 or 33 of title 38''.

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code'' and inserting ''chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 526. SECRETARY OF DEFENSE EVALUATION OF THE ADEQUACY OF THE DEGREE-GRANTING AUTHORITIES OF CERTAIN MILITARY UNIVERSITIES AND EDUCATIONAL INSTITUTIONS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall carry out an evaluation of the degree-granting authorities provided by title 10, United States Code, to the academic institutions specified in subsection (b). The evaluation shall assess whether the current process, under which each degree conferred by each institution must have a statutory authorization, remains adequate, appropriate, and responsive enough to meet emerging military service education requirements.

(b) SPECIFIED INSTITUTIONS.—The academic institutions covered by subsection (a) are the following:

(1) The National Defense University.

(2) The Army War College and the United States Army Command and General Staff College.

(3) The College of Naval Warfare and the College of Naval Command and Staff.

(4) The United States Naval Postgraduate School.

(5) Air University and the United States Air Force Institute of Technology.

(6) The Marine Corps University.

(c) REPORT.—Not later than April 1, 2008, 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 on the evaluation. The report shall include the results of the evaluation and any recommendations for changes to policy or law that the Secretary considers appropriate.

SEC. 527. NAVY JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS.

For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may, and to the extent the schools request shall, treat any two or more of the following schools (all in Southold, Suffolk County, New York) as a single institution:

(1) Southold High School.

(2) Mattituck High School.

(3) Greenport High School.

Subtitle D—General Service Authorities

SEC. 531. AUTHORITY TO REDUCE REQUIRED SERVICE OBLIGATION FOR INITIAL APPOINTMENT OF QUALIFIED HEALTH PROFESSIONALS AS OFFICERS IN CRITICAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) For the armed forces under the jurisdiction of the Secretary of Defense, the Secretary may reduce the total initial period of required service to less than the minimum otherwise established pursuant to subsection (a) in the case of the initial appointment of a commissioned officer in a critically short health professional specialty, as determined by the Secretary. The period of required service may not be reduced to less than two years.''.

SEC. 532. REENLISTMENT IN FORMER ENLISTED GRADE AFTER SERVICE AS AN OFFICER.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''Reserve''.

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking ''a reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''Reserve''.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. AUTHORITY TO DESIGNATE CERTAIN CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT AS ELIGIBLE FOR LEGAL ASSISTANCE FROM DEPARTMENT OF DEFENSE LEGAL STAFF RESOURCES.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Civilian employees of the Federal Government serving with, or preparing to serve with, an armed force in support of a contingency operation, as designated in regulations prescribed by the Secretary concerned.''.

Subtitle F—Decorations and Awards

SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO LESLIE H. SABO, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 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 3741 of such title to Leslie H. Sabo, Jr., 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 Leslie H. Sabo, Jr., on May 10, 1970, as a member of the United States Army serving in the grade of Specialist Four in the Republic of Vietnam with Company B of the 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO HENRY SVEHLA FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 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 3741 of such title to Henry Svehla for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Henry Svehla on June 12, 1952, as a member of the United States Army serving in the grade of Private First Class in Korea with Company F of the 32d Infantry Regiment, 7th Infantry Division.

SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 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 3741 of such title to Woodrow W. Keeble for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Woodrow W. Keeble of the United States Army as an acting platoon leader on October 20, 1950, during the Korean War.

SEC. 554. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE PHILIP G. SHADRACH FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 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 3741 of title 10, United States Code, posthumously to Private Philip G. Shadrach of Company K, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Philip G. Shadrach as one of Andrews Raiders during the Civil War on April 12, 1862.

SEC. 555. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE GEORGE D. WILSON FOR ACTS OF VALOR AS ONE OF ANDREWS RAIDERS DURING THE CIVIL WAR.

(a) AUTHORIZATION.—The President is authorized and requested to award the Medal of Honor under section 3741 of title 10, United States Code, posthumously to Private George D. Wilson of Company B, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of George D. Wilson as one of Andrews Raiders during the Civil War on April 12, 1862.

SEC. 556. COLD WAR VICTORY MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Cold War Victory Medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War Victory Medal', to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War Victory Medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War Victory Medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(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. Cold War Victory Medal.''.

Subtitle G—Impact Aid and Defense Dependents Education System

SEC. 561. TUITION ASSISTANCE FOR MILITARY DEPENDENTS IN OVERSEAS AREAS WHERE SCHOOLS OPERATED BY DEFENSE DEPENDENTS' EDUCATION SYSTEM ARE NOT REASONABLY AVAILABLE.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting '', including private boarding schools in the United States,'' after ''attend schools''.

SEC. 562. 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 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 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 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)).

Subtitle H—Other Matters

SEC. 571. EXTENSION OF AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS TO BENEFIT MEMBERS OF THE ARMED FORCES, DEPENDENTS, AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 2601(b)(4) of title 10, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

SEC. 572. UNIFORM PERFORMANCE POLICIES FOR MILITARY BANDS AND OTHER MUSICAL UNITS.

(a) IN GENERAL.—

(1) CONSOLIDATION OF SEPARATE AUTHORITIES.—Chapter 49 of title 10, United States Code, is amended by inserting after section 973 the following new section:

"§ 974. Uniform performance policies for military bands and other musical units

''(a) RESTRICTIONS ON COMPETITION AND REMUNERATION.—Bands, ensembles, choruses, or similar musical units of the armed forces, including individual members of such a unit performing in an official capacity, may not—

''(1) perform music in competition with local civilian musicians; or

''(2) receive remuneration for official performances.

''(b) MEMBERS.—A member of a band, ensemble, chorus, or similar musical unit of the armed forces may perform music in the member's personal capacity, as an individual or part of a group, for remuneration or otherwise, if the member does not wear a military uniform for the performance, does not identify himself or herself as a member of the armed forces in connection with the performance, and complies with all applicable regulations and standards of conduct.

''(c) RECORDINGS.—Bands, ensembles, choruses, or similar musical units of the armed forces, when authorized pursuant to Department of Defense regulations, may produce recordings for distribution to the public at a cost not to exceed production and distribution expenses. The proceeds from such recordings shall be credited to the appropriation used to cover production and distribution expenses.

''(d) COMPETITION DEFINED.—(1) In this section, the term 'perform music in competition with local civilian musicians' includes performances—

''(A) that are more than incidental to events that are not supported solely by appropriated funds and are not free to the public; and

''(B) of background, dinner, dance, or other social music at events, regardless of location, that are not supported solely by appropriated funds.

''(2) The term does not include performances—

''(A) at official Federal Government events that are supported solely by appropriated funds;

''(B) at concerts, parades, and other events that are patriotic events or celebrations of national holidays and are free to the public; or

''(C) that are incidental, such as short performances of military or patriotic music to open or close events, to events that are not supported solely by appropriated funds, in compliance with applicable rules and regulations.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 973 the following new item:

''974. Uniform performance policies for military bands and other musical units.''.

(b) REPEAL OF SEPARATE SERVICE AUTHORITIES.—

(1) REPEAL.—Sections 3634, 6223, and 8634 of such title are repealed.

(2) TABLE OF SECTIONS.—(A) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(B) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(C) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 573. REPEAL OF LIMITATION ON NUMBER OF ACADEMIES OF DEPARTMENT OF DEFENSE STARBASE PROGRAM IN A SINGLE STATE.

Section 2193b(c) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 574. COMBAT VETERANS MENTORING PROGRAM FOR CURRENT MEMBERS OF THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall institute a program to give veterans of the Armed Forces who have served in combat the opportunity to meet on a regular basis with, to inform, to exchange

ideas with, and to mentor current members of the Armed Forces.

(b) ELEMENTS OF PROGRAM.—The program may build on existing programs within the military departments, where they exist, and shall focus on providing members of the Armed Forces, particularly military personnel and leaders at the small unit level, varied perspectives on both the human and military aspects of war from those who have experienced it. In carrying out the program, the Secretary shall seek to provide opportunities for the combat veterans not only to meet with current members of the Armed Forces before and after their deployment to combat zones, but also during deployments.

SEC. 575. RECOGNITION OF MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM OF THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE ARMED FORCES DURING AND FOLLOWING WORLD WAR II.

Congress hereby—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II, have made, and continue to make, possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

SEC. 576. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE VIETNAM WAR.

(a) COMMEMORATIVE PROGRAM.—The Secretary of Defense shall conduct a program to commemorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War.

(b) COMMENCEMENT AND DURATION OF PROGRAM.—The commemorative program shall commence not later than 180 days after the date of the enactment of this Act and continue through December 31, 2025. The Secretary of Defense shall determine the schedule of major events and priority of efforts during that period in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War.

(4) To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War.

(5) To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

(d) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the name ''The United States of America Vietnam War Commemoration'', and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT AND ADMINISTRATION.—There is established in the Treasury of the United States an account to be known as the ''Department of Defense Vietnam War Commemoration Fund'' (in this section referred to as the ''Fund''). The Fund shall be administered by the Secretary of Defense.

(2) USE OF FUND.—The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts appropriated to the Fund;

(B) proceeds derived from the Secretary's use of the exclusive rights described in subsection (d);

(C) donations made in support of the commemorative program by private and corporate donors; and

(D) funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2008 and subsequent years for the Department of Defense.

(4) AVAILABILITY.—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—Beginning with the budget justification materials submitted by the Secretary in support of the budget of the President for fiscal year 2009, the Secretary shall establish a separate budget line for the commemorative program. In the budget justification materials, the Secretary shall—

(A) identify and explain the amounts expended for the commemorative program in the year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request and two subsequent years; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program.

(2) TREATMENT OF VOLUNTEERS.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative period specified in subsection (b), the Secretary of Defense shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period specified in subsection (b) shall be held in the Fund until transferred by law.

(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed $5,000,000 for fiscal year 2008 or for any subsequent fiscal year to carry out the commemorative program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to the Fund for fiscal year 2008.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.
Sec. 603. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 604. Participation of members of the uniformed services in Thrift Savings Plan.
Sec. 605. Enhancement of referral bonus to encourage service in the Army.
Sec. 606. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Definition of sea duty for career sea pay to include multi-crew ships.
Sec. 618. Reenlistment bonus for members of the Selected Reserve.
Sec. 619. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
Sec. 620. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
Sec. 621. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
Sec. 622. Accession bonus for participants in the Armed Forces Health Professional Scholarship and Financial Assistance Program.
Sec. 623. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Sec. 624. Increase in maximum monthly rate of hardship duty pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Allowance for participation in Reserve screening conducted through electronic means.

Sec. 632. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.

Sec. 633. Moving expenses for JROTC instructors who agree to serve in hard-to-fill positions.

Sec. 634. Transportation of additional motor vehicle of members on change of permanent station to or from non-foreign areas outside the continental United States.

Sec. 635. Payment of inactive duty training travel costs for certain Selected Reserve members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Disregarding periods of confinement of member in determining benefits for dependents who are victims of abuse by the member.

Sec. 642. Continuation of authority for members of the Armed Forces to designate a recipient for a portion of the death gratuity.

Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.

Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

Sec. 645. Expansion of combat-related special compensation eligibility for chapter 61 military retirees with fewer than 20 years of creditable service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Access to Defense Commissary and Exchange System by surviving spouse and dependents of certain disabled veterans.

Sec. 652. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.

Sec. 653. Authorization of installment deductions from pay of employees of executive branch instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.

Sec. 662. Transitional provisions.

Subtitle G—Other Matters

Sec. 671. Expansion of education loan repayment program for members of the Selected Reserve.

Sec. 672. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.

Sec. 673. Overseas naturalization for military spouses and children.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

(c) SOURCE OF FUNDS FOR PORTION OF FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the funds necessary to satisfy the obligations incurred by the Department of Defense to provide the increase under subsection (b) in the rates of monthly basic pay for members of the Army, Navy, Air Force, and Marine Corps in excess of 3 percent shall be derived from amounts appropriated pursuant to the authorization of appropriations in section 1514 for military personnel accounts of the Department.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE COMPONENT MEMBERS WITHOUT DEPENDENTS WHO ATTEND ACCESSION TRAINING WHILE MAINTAINING A PRIMARY RESIDENCE.

(a) AVAILABILITY OF ALLOWANCE.—Section 403(g)(1) of title 37, United States Code, is amended—

(1) by inserting ''to attend accession training,'' after ''active duty'' the first place it appears; and

(2) by inserting a comma after ''contingency operation'' the first place it appears.

(b) SOURCE OF FUNDS FOR PORTION OF FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the funds necessary to satisfy the obligations incurred by the Department of Defense as a result of the amendment made by subsection (a)(1) to provide a basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence shall be derived from amounts appropriated pursuant to the authorization of appropriations in section 1514 for military personnel accounts of the Department.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to months beginning on or after October 1, 2007.

SEC. 603. INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) CLARIFICATION REGARDING WHEN PAYMENTS REQUIRED.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting before the period at the end of the first sentence the following: '', when the total monthly military compensation of the member is less than the average monthly civilian income of the member''.

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBILITY.—(1) A member of a reserve component is entitled to a payment under this section for any full month of active duty of the member, when the total monthly military compensation of the member is less than the average monthly civilian income of the member, while the member is on active duty under an involuntary mobilization order, following the date on which the member—

''(A) completes 540 continuous days of service on active duty under an involuntary mobilization order;

''(B) completes 720 cumulative days on active duty under an involuntary mobilization order during the previous 1,800 days; or

''(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days after the date of the member's separation from a previous period of active duty for a period of 180 days or more.

''(2) The entitlement of a member of a reserve component to a payment under this section also shall commence or, if previously commenced under paragraph (1), shall continue if the member—

''(A) satisfies the required number of days on active duty specified in subparagraph (A) or (B) of paragraph (1) or was involuntarily mobilized as provided in subparagraph (C) of such paragraph; and

''(B) is retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while the member was assigned to duty in an area for which special pay under section 310 of this title is available.''.

(c) TERMINATION OF AUTHORITY.—Subsection (g) of such section is amended to read as follows:

''(g) TERMINATION.—No payment shall be made to a member under this section for months beginning after December 31, 2008, unless the entitlement of the member to payments under this section commenced on or before that date.''.

SEC. 604. PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THRIFT SAVINGS PLAN.

(a) SEMI-MONTHLY DEPOSIT OF MEMBER'S CONTRIBUTIONS.—Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) Notwithstanding subsection (a), in the case of a member of the uniformed services who has elected to participate in the Thrift Savings Plan under section 211 of this title, one-half of the monthly contribution of the member to the Plan shall be made in midmonth.''.

(b) SEMI-MONTHLY REPAYMENT OF BORROWED AMOUNTS.—Section 211 of such title is amended by adding at the end the following new subsection:

''(e) REPAYMENT OF AMOUNTS BORROWED FROM MEMBER ACCOUNT.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the member's account in the Thrift Savings Plan, repayment of the loan shall be required on the same semi-monthly basis as authorized for contributions to the Fund under section 1014(c) of this title.''.

SEC. 605. ENHANCEMENT OF REFERRAL BONUS TO ENCOURAGE SERVICE IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) in subsection (a)(1), by striking ''enlists'' and inserting ''enlists, or is appointed as an officer to serve in a health profession designated by the Secretary,''; and

(2) in subsection (b), by inserting ''or appointment'' after ''enlisting'' both places it appears.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006 on or after the date of the enactment of this Act.

SEC. 606. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

(a) INCREASE.—Section 1009(c)(2) of title 37, United States Code, is amended ''fiscal years 2004, 2005, and 2006'' and inserting ''fiscal years 2009 through 2012''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply with respect to the Army, Navy, Air Force and Marine Corps, including reserve components thereof.

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, 2007'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2007'' 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, 2007'' 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, 2007'' 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, 2007'' 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, 2007'' 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, 2007'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2007'' 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, 2007'' 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, 2007'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2007'' 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, 2007'' 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, 2007'' 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, 2007'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2007'' 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, 2007'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(g) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.—Section 327(h) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(i) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(j) ARMY REFERRAL BONUS.—Subsection (h) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310), as redesignated by section 624(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2258), is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS.

(a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of title 37, United States Code, is amended by striking ''$50,000'' and inserting ''$75,000''.

(b) MULTIYEAR RETENTION BONUS.—Section 301d(a)(2) of such title is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

Section 302b(a)(4) of title 37, United States Code, is amended—

(1) by striking ''shall be paid at the following rates'' in the matter preceding subparagraph (A) and inserting ''shall not exceed the following:'';

(2) in subparagraph (A), by striking ''$4,000'' and inserting ''$10,000''; and

(3) in subparagraph (B), by striking ''$6,000'' and inserting ''$12,000''.

SEC. 617. DEFINITION OF SEA DUTY FOR CAREER SEA PAY TO INCLUDE MULTI-CREW SHIPS.

Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) by striking ''or'' at the end of clause (ii); and

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

''(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or''.

SEC. 618. REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) MINIMUM TERM OF REENLISTMENT OR ENLISTMENT EXTENSION.—Subsection (a)(2) of 308b of title 37, United States Code, is amended by striking ''his enlistment for a period of three years or for a period of six years'' and inserting ''an enlistment for a period of at least three years''.

(b) MAXIMUM BONUS AMOUNT.—Subsection (b)(1) of such section is amended by striking ''may not exceed'' and all that follows through the end of the paragraph and inserting ''may not exceed $15,000.''.

(c) CONFORMING AMENDMENT REGARDING ELIGIBILITY REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking the subsection heading and paragraph (1) and inserting ''WAIVER OF CONDITION ON ELIGIBILITY.—''; and

(2) by striking ''paragraph (1)(B) or''.

SEC. 619. AVAILABILITY OF SELECTED RESERVE ACCESSION BONUS FOR PERSONS WHO PREVIOUSLY SERVED IN THE ARMED FORCES FOR A SHORT PERIOD.

Section 308c(c)(1) of title 37, United States Code, is amended by inserting before the semicolon the following: ''or has served in the armed forces, but was released from such service before completing the basic training requirements of the armed force of which the person was a member and the service was characterized as either honorable or uncharacterized''.

SEC. 620. AVAILABILITY OF NUCLEAR OFFICER CONTINUATION PAY FOR OFFICERS WITH MORE THAN 26 YEARS OF COMMISSIONED SERVICE.

Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking ''26 years'' and inserting ''30 years''; and

(2) in subsection (e)(1), by striking ''26 years'' and inserting ''30 years''.

SEC. 621. WAIVER OF YEARS-OF-SERVICE LIMITATION ON RECEIPT OF CRITICAL SKILLS RETENTION BONUS.

Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Undersecretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.''.

SEC. 622. ACCESSION BONUS FOR PARTICIPANTS IN THE ARMED FORCES HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) ACCESSION BONUS AUTHORIZED.—Subchapter I of chapter 105 of title 10, United States Code, is amended by adding at the end the following new section:

''§2128. Accession bonus for members of the program

''(a) AVAILABILITY OF BONUS.—The Secretary of Defense may offer a person who enters into an agreement under section 2122(a)(2) of this title an accession bonus of not more than $20,000 as part of the agreement.

''(b) REPAYMENT.—A person who receives an accession bonus under this section, but fails to comply with the agreement under section 2122(a)(2) of this title or to commence or complete the active duty obligation imposed by section 2123 of this title, shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2128. Accession bonus for members of the program.''.

SEC. 623. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS.

(a) PAYMENT.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

(b) ELIGIBILITY PERIOD.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

(c) AMOUNT OF PAYMENT.—The monthly rate of incentive pay payable to a member under this section is $1,000.

(d) QUALIFYING SERVICE.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.

SEC. 624. INCREASE IN MAXIMUM MONTHLY RATE OF HARDSHIP DUTY PAY.

(a) INCREASE.—Effective October 1, 2007, section 305(a) of title 37, United States Code, is amended by striking ''$750'' and inserting ''$1,500''.

(b) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2008, not more than $79,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle C—Travel and Transportation Allowances

SEC. 631. ALLOWANCE FOR PARTICIPATION IN RESERVE SCREENING CONDUCTED THROUGH ELECTRONIC MEANS.

(a) ALLOWANCE FOR ELECTRONIC RESERVE SCREENING.—Section 433 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting ''ALLOWANCE FOR MUSTER DUTY.—(1)'' before ''Under'';

(2) by redesignating subsection (b) as paragraph (2) of subsection (a), and in such paragraph, as so redesignated, by striking ''this section'' and inserting ''paragraph (1)''; and

(3) by inserting before subsection (c) the following new subsection (b):

''(b) ALLOWANCE FOR ELECTRONIC SCREENING.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend when the member participates, through electronic means, in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of such title.

''(2) The amount of the stipend paid to a member under paragraph (1) may not exceed $50 in any calendar year.''.

(b) PAYMENT REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by inserting ''PAYMENT REQUIREMENTS.—'' before the first sentence;

(2) by striking ''allowance'' each place it appears and inserting ''allowances'';

(3) by inserting ''or screening'' after ''muster duty'' both places it appears; and

(4) by striking ''serving, as commutation'' and inserting ''serving. The allowance under subsection (a) is provided as commutation''.

(c) PROHIBITIONS.—Such section is further amended—

(1) in subsection (d)—

(A) by inserting ''BAR TO INACTIVE DUTY COMPENSATION.—'' before ''A member''; and

(B) by inserting ''or screening through electronic means'' after ''muster duty''; and

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

''(e) BAR TO RETIREMENT CREDIT.—The participation by a member in screening for which a stipend is paid under subsection (b) shall not be credited in determining entitlement to, or in computing, retired pay under chapter 1223 of title 10.''.

(d) CLERICAL AMENDMENTS.—

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

''§ 433. Allowance for muster duty or for participation in Reserve screening''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking the item relating to section 433 and inserting the following new item:

''433. Allowance for muster duty or for participation in Reserve screening.''.

(e) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) BAR TO DUAL COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206 of such title is amended by adding at the end the following new subsection:

''(f) A member of the National Guard or of a reserve component of a uniformed service may not be paid under this section if the member receives a stipend under section 433(b) of this title for the same period.''.

(2) BAR TO RETIREMENT CREDIT.—Section 12732(b) of title 10, United States Code, is amended by inserting after paragraph (7) the following new paragraph:

''(8) Participation, through electronic means, in the screening performed pursuant to section 10149 of this title, regardless of whether or not a stipend is paid under section 433(b) of title 37 for such participation.''.

SEC. 632. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEMBERS OF THE ARMED FORCES TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.

Section 1047(a) of title 10, United States Code, is amended by inserting ''and luggage'' after ''civilian clothing'' both places it appears.

SEC. 633. MOVING EXPENSES FOR JROTC INSTRUCTORS WHO AGREE TO SERVE IN HARD-TO-FILL POSITIONS.

Section 2031(d) of title 10, United States Code, is amended—

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

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

''(2)(A) An individual so employed may, if the institution concerned so agrees, be reimbursed by the institution for the moving expenses incurred by the individual to fill the position concerned, separate from any other amount paid to the individual. Subject to subparagraph (B), the Secretary concerned may enter into an agreement with such an institution under which the Secretary reimburses the institution for the amount the institution reimburses the individual. Reimbursements by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.

''(B) Such a reimbursement by the Secretary concerned may be made only if, as determined by the Secretary concerned—

''(i) the position to be filled by the individual is a hard-to-fill position, based on geographic or economic factors;

''(ii) the individual has entered into a written agreement with the institution to serve in that position for at least two years; and

''(iii) making the reimbursement is in the national interest.''.

SEC. 634. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

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

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

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 635. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

''§ 408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station

''(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, if a member of the Selected Reserve who occupies a specialty designated by the Secretary for purposes of this section performs inactive duty training or attends a unit training assembly outside of the commuting limits of the member's station for the purpose of maintaining mission readiness, the Secretary may reimburse the member for travel expenses in an amount not to exceed $300 for the training or assembly.

''(b) DURATION OF AUTHORITY.—Reimbursement may not be provided under this section for travel costs incurred before October 1, 2008, or after December 31, 2014.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 408 the following new item:

''408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. DISREGARDING PERIODS OF CONFINEMENT OF MEMBER IN DETERMINING BENEFITS FOR DEPENDENTS WHO ARE VICTIMS OF ABUSE BY THE MEMBER.

Section 1408(h)(10) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In determining under paragraph (2)(A) whether a member of the armed forces became eligible to be retired from the armed forces on the basis of years of service so that a spouse or dependent child of the member is eligible to receive payment under this subsection, the Secretary concerned shall consider as creditable service by the member any periods of confinement served by the member before convening authority action on the record of trial related to the misconduct that resulted in the termination of the eligibility of the member to receive retired pay.''.

SEC. 642. CONTINUATION OF AUTHORITY FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A RECIPIENT FOR A PORTION OF THE DEATH GRATUITY.

Effective as of October 1, 2007, subsection (d) of section 1477 of title 10, United States Code, as

amended by section 1316 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, is amended by striking ''During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person'' and inserting ''A person''.

SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PREVIOUSLY PAID, BUT SUBJECT TO OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) LIMITATION ON RECOUPMENT; NOTIFICATION REQUIREMENTS.—Section 1450(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON RECOUPMENT OF OFFSET AMOUNT.—Any amount subject to offset under this subsection that was previously paid to the surviving spouse or former spouse shall be recouped only to the extent that the amount paid exceeds any amount to be refunded under subsection (e). In notifying a surviving spouse or former spouse of the recoupment requirement, the Secretary shall provide the spouse or former spouse—

''(A) a single notice of the net amount to be recouped or the net amount to be refunded, as applicable, under this subsection or subsection (e);

''(B) a written explanation of the statutory requirements for recoupment of the offset amount and for refund of any applicable amount deducted from retired pay;

''(C) a detailed accounting of how the offset amount being recouped and retired pay deduction amount being refunded were calculated; and

''(D) contact information for a person who can provide information about the offset recoupment and retired pay deduction refund processes and answer questions the surviving spouse or former spouse may have about the requirements, processes, or amounts.''.

(b) APPLICATION.—Paragraph (3) of subsection (c) of section 1450 of title 10, United States Code, as added by subsection (a), shall apply with respect to the recoupment on or after April 1, 2008, of amounts subject to offset under such subsection.

SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) PROVISION OF ALLOWANCE.—Section 1450 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(m) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

''(1) PROVISION OF ALLOWANCE.—The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to the surviving spouse or former spouse of a member of the uniformed services to whom section 1448 of this title applies if—

''(A) the surviving spouse or former spouse is entitled to dependency and indemnity compensation under section 1311(a) of title 38; and

''(B) the eligibility of the surviving spouse or former spouse for an annuity under section 1448 of this title is affected by subsection (c) of this section.

''(2) AMOUNT OF PAYMENT.—The amount of the allowance paid to an eligible survivor under paragraph (1) for a month shall be equal to the lesser of—

''(A) $40; or

''(B) the amount of the annuity for that month subject to offset under subsection (c).

''(3) STATUS OF PAYMENTS.—An allowance paid under this subsection does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

''(4) SOURCE OF FUNDS.—The special survivor indemnity allowance shall be paid from amounts in the Department of Defense Military Retirement Fund established under section 1461 of this title.''.

(b) EFFECTIVE DATE.—Subsection (m) of section 1450 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and shall apply to the month beginning on that date and subsequent months through the month ending on February 28, 2016. Effective on March 1, 2016, such subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of such subsection for any period before October 1, 2008.

SEC. 645. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES WITH FEWER THAN 20 YEARS OF CREDITABLE SERVICE.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows through the end of paragraph (1) and inserting the following: ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and''.

(b) COMPUTATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''In the case of'' and inserting ''Subject to paragraph (4), in the case of''; and

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

''(4) CHAPTER 61 DISABILITY RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with at least 15 years of creditable service, but fewer than 20 years of creditable service, and who receives veterans disability compensation for a disability rated at least 60 percent, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which—

''(A) the amount of the member's retired pay under chapter 61 of this title; exceeds

''(B) the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to payments for the month beginning on that date and subsequent months through the month ending on September 30, 2015. Effective on October 1, 2015, the amendments made by this section shall terminate and subsection (c) of section 1413a of title 10, United States Code, shall be amended to appear as it did on September 30, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. ACCESS TO DEFENSE COMMISSARY AND EXCHANGE SYSTEM BY SURVIVING SPOUSE AND DEPENDENTS OF CERTAIN DISABLED VETERANS.

(a) REVISION OF REGULATIONS AND INSTRUCTIONS.—The Secretary of Defense shall revise the regulations and instructions described in subsection (b) as necessary to ensure access to the Defense Commissary and Exchange System by the surviving spouse and dependents of a veteran who had a service-connected disability rated at 100 percent (total), based on an application submitted by the veteran, although the disability rating was awarded posthumously. Such access shall be provided in the same manner and to the same extent as other surviving spouses and dependents covered by such regulations and instructions.

(b) COVERED REGULATIONS AND INSTRUCTIONS.—The regulations and instructions referred to in subsection (a) are the following:

(1) Armed Services Commissary Regulations (DoD Regulations 1330.17-R, April 1987).

(2) Armed Services Exchange Regulations (DoD Instruction 1330.21, July, 14, 2005).

(3) The instruction pertaining to identification cards (ID) cards for members of the uniformed services, their dependents, and other eligible individuals (DoD Instruction 1000.13, December 5, 1997).

SEC. 652. AUTHORITY TO CONTINUE COMMISSARY AND EXCHANGE BENEFITS FOR CERTAIN INVOLUNTARILY SEPARATED MEMBERS OF THE ARMED FORCES.

(a) RESUMPTION FOR MEMBERS INVOLUNTARILY SEPARATED FROM ACTIVE DUTY.—Section 1146 of title 10, United States Code, is amended—

(1) by inserting ''(a) MEMBERS INVOLUNTARILY SEPARATED FROM ACTIVE DUTY.—'' before ''The Secretary of Defense'';

(2) in the first sentence, by striking ''October 1, 1990, and ending on December 31, 2001'' and inserting ''October 1, 2007, and ending on December 31, 2012''; and

(3) in the second sentence, by striking ''the period beginning on October 1, 1994, and ending on December 31, 2001'' and inserting ''the same period''.

(b) EXTENSION TO MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—Such section is further amended by adding at the end the following new subsection:

''(b) MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—The Secretary of Defense shall prescribe regulations to allow a member of the Selected Reserve of the Ready Reserve who is involuntarily separated from the Selected Reserve as a result of the exercise of the force shaping authority of the Secretary concerned under section 647 of this title or other force shaping authority during the period beginning on October 1, 2007, and ending on December 31, 2012, to continue to use commissary and exchange stores during the two-year period beginning on the date of the involuntary separation of the member in the same manner as a member on active duty. The Secretary of Homeland Security shall implement this provision for Coast Guard members involuntarily separated during the same period.''.

SEC. 653. AUTHORIZATION OF INSTALLMENT DEDUCTIONS FROM PAY OF EMPLOYEES OF EXECUTIVE BRANCH INSTRUMENTALITIES TO COLLECT INDEBTEDNESS TO THE UNITED STATES.

(a) COVERAGE OF EXECUTIVE BRANCH INSTRUMENTALITIES.—Section 5514(a)(5)(B) of title 5, United States Code, is amended by striking ''judicial'' and inserting ''executive, judicial,''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to debt incurred before, on, or after that date.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION.—Chapter 5 of title 37, United States Code, is amended—

(1) by inserting before section 301 the following subchapter heading:

''SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES''; AND

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

''SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

''§ 331. General bonus authority for enlisted members

''(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

''(1) enlists in an armed force;

''(2) enlists in or affiliates with a reserve component of an armed force;

''(3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

''(A) for a specified period in a designated career field, skill, or unit of an armed force; or

''(B) under other conditions of service in an armed force;

''(4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

''(5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

''(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

''(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

''(2) to meet some other condition of service imposed by the Secretary concerned.

''(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

''(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $50,000 for a minimum two-year period of obligated service agreed to under subsection (d); and

''(B) a bonus paid under paragraph (3), (4), or (5) of subsection (a) may not exceed $40,000 for a minimum one-year period of obligated service agreed to under subsection (d).

''(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

''(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

''(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

''(1) the amount of the bonus;

''(2) the method of payment of the bonus under subsection (c)(2);

''(3) the period of obligated service; and

''(4) the type or conditions of the service.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a person or member under this section is in addition to any other pay and allowance to which a member is entitled.

''(f) RELATIONSHIP TO PROHIBITION ON BOUNTIES.—A bonus authorized under this section is not a bounty for purposes of section 514(a) of title 10.

''(g) REPAYMENT.—A person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

''(h) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense; and

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

''§ 332. General bonus authority for officers

''(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

''(1) accepts a commission or appointment as an officer in a uniformed service;

''(2) affiliates with a reserve component of a uniformed service;

''(3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

''(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; or

''(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

''(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

''(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

''(2) to meet some other condition of service imposed by the Secretary concerned.

''(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

''(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $60,000 for a minimum three-year period of obligated service agreed to under subsection (d); and

''(B) a bonus paid under paragraph (3), (4), or (5) of subsection (a) may not exceed $50,000 for each year of obligated service agreed to under subsection (d).

''(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

''(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

''(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

''(1) the amount of the bonus;

''(2) the method of payment of the bonus under subsection (c)(2);

''(3) the period of obligated service; and

''(4) the type or conditions of the service.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which an officer is entitled.

''(f) REPAYMENT.—A person or officer who receives a bonus under this section who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

''(g) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''§ 333. Special bonus and incentive pay authorities for nuclear officers

''(a) NUCLEAR OFFICER BONUS.—The Secretary of the Navy may pay a nuclear officer bonus under this section to a person, including an officer in the Navy, who—

''(1) is selected for the officer naval nuclear power training program in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to serve, upon completion of such training, on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or

''(2) has the current technical and operational qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

''(b) NUCLEAR OFFICER INCENTIVE PAY.—The Secretary of the Navy may pay nuclear officer incentive pay under this section to an officer in the Navy who—

''(1) is entitled to basic pay under section 204 of this title; and

''(2) remains on active duty for a specified period while maintaining current technical and operational qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

''(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary of the Navy may impose such additional criteria for the receipt of a nuclear officer bonus or nuclear officer incentive pay as the Secretary determines to be appropriate.

''(d) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) MAXIMUM AMOUNT.—The Secretary of the Navy shall determine the amounts of a nuclear officer bonus or incentive pay to be paid under this section, except that such payments may not exceed $60,000 for each 12-month period of the agreement or 12-month period of qualifying service.

''(2) LUMP SUM OR INSTALLMENTS.—A nuclear officer bonus or incentive pay under this section may be paid in a lump sum or in periodic installments.

''(e) WRITTEN AGREEMENT FOR BONUS.—

''(1) AGREEMENT REQUIRED.—To receive a nuclear officer bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

''(A) the amount of the bonus;

''(B) the method of payment of the bonus under subsection (d)(2);

''(C) the period of obligated service; and

''(D) the type or conditions of the service.

''(2) REPLACEMENT AGREEMENT.—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement, if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

''(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A nuclear officer bonus or incentive pay paid to a person or officer under this section is in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under this section and section 332 or 353 of this title for the same skill and period of service.

''(g) REPAYMENT.—The person or officer who receives a nuclear officer bonus or incentive pay under this section who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service, for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

''(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of the Navy.

''§ 334. Special aviation incentive pay and bonus authorities for officers

''(a) AVIATION INCENTIVE PAY.—The Secretary concerned may pay aviation incentive pay under this section to a regular or reserve component officer of a uniformed service who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

''(2) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

''(3) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

''(4) engages in or remains in aviation service for a specified period; and

''(5) meets such other criteria as the Secretary concerned determines appropriate.

''(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to a regular or reserve component officer of a uniformed service who—

''(1) is entitled to aviation incentive pay under subsection (a);

''(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

''(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

''(4) meets such other criteria as the Secretary concerned determines appropriate.

''(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

''(A) aviation incentive pay shall be paid at a monthly rate, not to exceed $850 per month; and

''(B) an aviation bonus may not exceed $25,000 for each 12-month period of obligated service agreed to under subsection (d).

''(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

''(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

''(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

''(1) the amount of the bonus;

''(2) the method of payment of the bonus under subsection (c)(2);

''(3) the period of obligated service; and

''(4) the type or conditions of the service.

''(e) RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.—A reserve component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

''(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

''(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 351(a)(4) or 353 of this title for the same skill and period of service.

''(2) AVIATION BONUS.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 332 or 353 of this title for the same skill and period of service.

''(g) REPAYMENT.—An officer who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

''(h) DEFINITIONS.—In this section:

''(1) The term 'aviation service' means service performed by a regular or reserve component officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

''(2) The term 'operational flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

''(3) The term 'proficiency flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

''(4) The term 'officer' includes an individual enlisted and designated as an aviation cadet under section 6911 of title 10, United States Code.

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy; and

''(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''§ 335. Special bonus and incentive pay authorities for officers in health professions

''(a) HEALTH PROFESSIONS BONUS.—The Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who—

''(1) accepts a commission or appointment as a regular or reserve component officer in a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession; or

''(2) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession.

''(b) HEALTH PROFESSIONS INCENTIVE PAY.—The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

''(2) is serving on active duty or in an active status in a designated health profession specialty or skill.

''(c) BOARD CERTIFICATION INCENTIVE PAY.—The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

''(2) is board certified in a designated health profession specialty or skill; and

''(3) is serving on active duty or in an active status in such designated health profession specialty or skill.

''(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

''(e) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

''(A) a health professions bonus may not exceed $100,000 for each 12-month period of obligated service agreed to under subsection (f);

''(B) health professions incentive pay may not exceed $100,000 in any 12-month period, and it may be paid monthly; and

''(C) board certification incentive pay may not exceed $25,000 per 12-month period an officer remains certified in the designated health profession specialty or skill.

''(2) LUMP SUM OR INSTALLMENTS.—A bonus under subsection (a) may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned. Board certification incentive pay may be paid monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period, as determined by the Secretary concerned.

''(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (f), the total amount of the bonus to be paid under the agreement shall be fixed.

''(f) WRITTEN AGREEMENT FOR BONUS.—To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

''(1) the amount of the bonus;

''(2) the method of payment of the bonus under subsection (e)(2);

''(3) the period of obligated service;

''(4) whether the service will be performed on active duty or in an active status in a reserve component; and

''(5) the type or conditions of the service.

''(g) RESERVE COMPONENT OFFICERS.—An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under sections 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

''(h) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

''(1) HEALTH PROFESSIONS BONUS.—A bonus paid to a person or officer under subsection (a) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 332 of this title for the same period of obligated service.

''(2) HEALTH PROFESSIONS INCENTIVE PAY.—Incentive pay paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353 of this title for the same skill and period of service.

''(3) BOARD CERTIFICATION INCENTIVE PAY.—Incentive pay paid to an officer under subsection (c) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353(b) of this title for the same skill and period of service covered by the certification.

''(i) REPAYMENT.—An officer who receives a bonus or incentive pay under this section and who fails to fulfill the eligibility requirements for the receipt of the bonus or incentive pay or complete the period of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

''(j) HEALTH PROFESSION DEFINED.—In this section, the term 'health profession' means:

''(1) Any health profession performed by officers in the Medical Corps of a uniformed service or by officers designated as a medical officer.

''(2) Any health profession performed by officers in the Dental Corps of a uniformed service or by officers designated as a dental officer.

''(3) Any health profession performed by officers in the Medical Service Corps of a uniformed service or by officers designated as a medical service officer or biomedical sciences officer.

''(4) Any health profession performed by officers in the Medical Specialist Corps of a uniformed service or by officers designated as a medical specialist.

''(5) Any health profession performed by officers of the Nurse Corps of a uniformed service or by officers designated as a nurse.

''(6) Any health profession performed by officers in the Veterinary Corps of a uniformed service or by officers designated as a veterinary officer.

''(7) Any health profession performed by officers designated as a physician assistant.

''(8) Any health profession performed by officers in the regular or reserve corps of the Public Health Service.

''(k) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy; and

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service.

''§ 351. Hazardous duty pay

''(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

''(1) performs duty in a hostile fire area designated by the Secretary concerned;

''(2) is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action;

''(3) is on duty during a month in an area in which an event described in paragraph (2) occurred which placed the member in grave danger of physical injury;

''(4) performs duty the Secretary concerned has designated as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

''(5) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

''(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

''(1) In the case of a member who performs duty in a designated hostile fire area, as described in paragraph (1) of such subsection, hazardous duty pay may not exceed $450 per month.

''(2) In the case of a member who is exposed to a hostile fire event or is on duty in an area in which such an event occurred which placed the member in grave danger of physical injury, as described in paragraph (2) or (3) of such subsection, hazardous duty pay may not exceed $450 per month.

''(3) In the case of a member who performs a designated hazardous duty, as described in paragraph (4) of such subsection, hazardous duty pay may not exceed $250 per month.

''(4) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in paragraph (5) of such subsection, hazardous duty pay may not exceed $250 per month.

''(c) METHOD OF PAYMENT.—Hazardous duty pay shall be paid on a monthly basis. A member who is eligible for hazardous duty pay by reason of paragraph (1), (2), or (3) of subsection (a) shall receive the full monthly rate of hazardous duty pay authorized by the Secretary concerned under such paragraph, notwithstanding subsection (d).

''(d) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized hazardous duty pay under this section may be paid an amount of hazardous duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

''(e) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for a hostile fire area designation, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (5) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

''(f) DETERMINATION OF FACT.—Any determination of fact that is made in administering paragraph (2) or (3) of subsection (a) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause.

''(g) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed under subsection (j) shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (4) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or 5 of such subsection, that is performed by a member during a single month of service.

''(h) PROHIBITION ON VARIABLE RATES.—The regulations prescribed under subsection (j) may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

''(i) REPAYMENT.—A member who receives the hazardous duty pay authorized under this section and who fails to meet the eligibility requirements under subsection (a) shall be subject to the repayment provisions of section 373 of this title.

''(j) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''§ 352. Assignment pay or special duty pay

''(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

''(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

''(b) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

''(1) LUMP SUM OR INSTALLMENTS.—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned.

''(2) MAXIMUM MONTHLY AMOUNT.—The maximum monthly amount of assignment or special duty pay may not exceed $5,000.

''(3) MAXIMUM LUMP SUM AMOUNT.—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

''(A) the maximum monthly rate authorized under paragraph (2) at the time the member enters into a written agreement under subsection (c); and

''(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

''(4) MAXIMUM INSTALLMENT AMOUNT.—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

''(A) the product of—

''(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

''(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by

''(B) the number of installments over such period.

''(5) EFFECT OF EXTENSION.—If a member extends an assignment or performance of duty specified in an agreement with the Secretary concerned under subsection (c), assignment or special duty pay for the period of the extension may be paid on a monthly basis, in a lump sum, or in installments, consistent with this subsection.

''(c) WRITTEN AGREEMENT.—

''(1) DISCRETIONARY FOR MONTHLY PAYMENTS.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment or special duty pay on a monthly basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the monthly rate of the assignment or special duty pay.

''(2) REQUIRED FOR LUMP SUM OR INSTALLMENT PAYMENTS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of assignment or special duty pay on a lump sum or installment basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the amount of the lump sum or each periodic installment.

''(d) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized assignment or special duty pay under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Assignment or special duty pay

paid to a member under this section is in addition to any other pay and allowances to which a member is entitled.

''(f) REPAYMENT.—A member who receives assignment or special duty pay under this section and who fails to fulfill the eligibility requirements under subsection (a) shall be subject to the repayment provisions of section 373 of this title.

''(g) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''§ 353. Skill incentive pay or proficiency bonus

''(a) SKILL INCENTIVE PAY.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

''(2) serves in a career field or skill designated as critical by the Secretary concerned.

''(b) SKILL PROFICIENCY BONUS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

''(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

''(2) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned.

''(c) MAXIMUM AMOUNTS AND METHODS OF PAYMENT.—

''(1) SKILL INCENTIVE PAY.—Skill incentive pay shall be in paid monthly in an amount not exceed $1,000 per month.

''(2) PROFICIENCY BONUS.—A proficiency bonus may be paid in a lump sum at the beginning of the proficiency certification period or in periodic installments during the proficiency certification period. The amount of the bonus may not exceed $12,000 per 12-month period of certification. The Secretary concerned may not vary the criteria or rates for the proficiency bonus paid for officers and enlisted members.

''(d) CERTIFIED PROFICIENCY FOR PROFICIENCY BONUS.—

''(1) CERTIFICATION REQUIRED.—Proficiency in a designated critical skill shall be subject to annual certification by the Secretary concerned.

''(2) DURATION OF CERTIFICATION.—A certification period shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

''(3) WAIVER.—Notwithstanding paragraphs (1) and (2), the regulations prescribed under subsection (i) shall address the circumstances under which the Secretary concerned may waive the certification requirement under paragraph (1) or extend a certification period under paragraph (2).

''(e) WRITTEN AGREEMENT.—

''(1) DISCRETIONARY FOR SKILL INCENTIVE PAY.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of skill incentive pay. The written agreement shall specify the period for which the skill incentive pay will be paid to the member and the monthly rate of the pay.

''(2) REQUIRED FOR PROFICIENCY BONUS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of a proficiency bonus. The written agreement shall specify the amount of the proficiency bonus, the period for which the bonus will be paid, and the initial certification or recertification necessary for payment of the proficiency bonus.

''(f) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—

''(1) PRORATION.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of skill incentive pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

''(2) EXCEPTION FOR FOREIGN LANGUAGE PROFICIENCY.—No reduction in the amount of skill incentive pay may be made under paragraph (1) in the case of a member of a reserve component who is authorized skill incentive pay because of the member's proficiency in a foreign language.

''(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and who fails to fulfill the eligibility requirement for receipt of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

''(h) RELATIONSHIP TO OTHER PAYS AND ALLOWANCES.—A member may not be paid more than one pay under this section in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is entitled, except that the member may not be paid skill incentive pay or a proficiency bonus under this section and hazardous duty pay under section 351(a)(4) of this title for the same period of service in the same career field or skill.

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''SUBCHAPTER III—GENERAL PROVISIONS

''§ 371. Relationship to other incentives and pays

''(a) TREATMENT.—A bonus or incentive pay paid to a member of the uniformed services under subchapter II is in addition to any other pay and allowance to which a member is entitled, unless otherwise provided under this chapter.

''(b) EXCEPTION.—A member may not receive a bonus or incentive pay under both subchapter I and subchapter II for the same activity, skill, or period of service.

''(c) RELATIONSHIP TO OTHER COMPUTATIONS.—The amount of a bonus or incentive pay to which a member is entitled under subchapter II may not be included in computing the amount of—

''(1) any increase in pay authorized by any other provision of this title; or

''(2) any retired pay, retainer pay, separation pay, or disability severance pay.

''§ 372. Continuation of pays during hospitalization for wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action

''(a) CONTINUATION OF PAYS.—Notwithstanding any other provision of law, the Secretary concerned may continue to pay all pay and allowances to a member of a regular or reserve component of a uniformed service, including any bonus, incentive pay, or similar benefit, if the member—

''(1) incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title; and

''(2) is hospitalized for treatment of such wound, injury, or illness.

''(b) DURATION.—The continuation of pay and allowances of a member under subsection (a) shall expire at the end of the first month during which the member is no longer hospitalized for treatment.

''(c) DEFINITIONS.—In this section:

''(1) The term 'hospitalized for treatment', with respect to a member, means the member—

''(A) is admitted as an inpatient in a military treatment facility; or

''(B) is residing in quarters or in a facility affiliated with the military health care system for the purposes of receiving extensive outpatient rehabilitation or other medical care.

''(2) The term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under this title or title 10.

''§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met

''(a) REPAYMENT.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement.

''(b) EXCEPTIONS.—The regulations prescribed to administer this section may specify procedures for determining the circumstances under which an exception to the required repayment may be granted.

''(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

''(1) the date of the termination of the agreement or contract on which the debt is based; or

''(2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

''(d) DEFINITIONS.—In this section:

''(1) The term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this section or section 303a(e) of this title.

''(2) The term 'service' refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

''(A) to a regular or reserve component member who remains on active duty or in an active status;

''(B) to perform duty in a specified skill, with or without a specified qualification or credential;

''(C) to perform duty in a specified assignment, location or unit; or

''(D) to perform duty for a specified period of time.

''§ 374. Regulations

''This subchapter shall be administered under regulations prescribed by—

''(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

''(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.''.

(b) TRANSFER OF 15-YEAR CAREER STATUS BONUS TO SUBCHAPTER II.—

(1) TRANSFER.—Section 322 of title 37, United States Code, is transferred to appear after section 353 of subchapter II of chapter 5 of such title, as added by subsection (a), and is redesignated as section 354.

(2) CONFORMING AMENDMENT.—Subsection (f) of such section, as so transferred and redesignated, is amended by striking ''section 303a(e)'' and inserting ''section 373''.

(3) CROSS REFERENCES.—Sections 1401a, 1409(b)(2), and 1410 of title 10, United States Code, are amended by striking ''section 322'' each place it appears and inserting ''section 322 or 354''.

(c) TRANSFER OF RETENTION INCENTIVES FOR MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—

(1) TRANSFER.—Section 323 of title 37, United States Code, as amended by sections 614(e) and 621, is transferred to appear after section 354 of subchapter II of chapter 5 of such title, as transferred and redesignated by subsection (b)(1), and is redesignated as section 355.

(2) CONFORMING AMENDMENT.—Subsection (g) of such section, as so transferred and redesignated, is amended by striking ''section 303a(e)'' and inserting ''section 373''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

''SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

''Sec.
''301. Incentive pay: hazardous duty.
''301a. Incentive pay: aviation career.
''301b. Special pay: aviation career officers extending period of active duty.
''301c. Incentive pay: submarine duty.
''301d. Multiyear retention bonus: medical officers of the armed forces.
''301e. Multiyear retention bonus: dental officers of the armed forces.
''302. Special pay: medical officers of the armed forces.
''302a. Special pay: optometrists.
''302b. Special pay: dental officers of the armed forces.
''302c. Special pay: psychologists and nonphysician health care providers.
''302d. Special pay: accession bonus for registered nurses.
''302e. Special pay: nurse anesthetists.
''302f. Special pay: reserve, recalled, or retained health care officers.
''302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
''302h. Special pay: accession bonus for dental officers.
''302i. Special pay: pharmacy officers.
''302j. Special pay: accession bonus for pharmacy officers.
''302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
''302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
''303. Special pay: veterinarians.
''303a. Special pay: general provisions.
''303b. Waiver of board certification requirements.
''304. Special pay: diving duty.
''305. Special pay: hardship duty pay.
''305a. Special pay: career sea pay.
''305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
''306. Special pay: officers holding positions of unusual responsibility and of critical nature.
''306a. Special pay: members assigned to international military headquarters.
''307. Special pay: special duty assignment pay for enlisted members.
''307a. Special pay: assignment incentive pay.
''308. Special pay: reenlistment bonus.
''308b. Special pay: reenlistment bonus for members of the Selected Reserve.
''308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
''308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
''308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
''308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
''308i. Special pay: prior service enlistment bonus.
''308j. Special pay: affiliation bonus for officers in the Selected Reserve.
''309. Special pay: enlistment bonus.
''310. Special pay: duty subject to hostile fire or imminent danger.
''312. Special pay: nuclear-qualified officers extending period of active duty.
''312b. Special pay: nuclear career accession bonus.
''312c. Special pay: nuclear career annual incentive bonus.
''314. Special pay or bonus: qualified members extending duty at designated locations overseas.
''315. Special pay: engineering and scientific career continuation pay.
''316. Special pay: bonus for members with foreign language proficiency.
''317. Special pay: officers in critical acquisition positions extending period of active duty.
''318. Special pay: special warfare officers extending period of active duty.
''319. Special pay: surface warfare officer continuation pay.
''320. Incentive pay: career enlisted flyers.
''321. Special pay: judge advocate continuation pay.
''324. Special pay: accession bonus for new officers in critical skills.
''325. Incentive bonus: savings plan for education expenses and other contingencies.
''326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.
''327. Incentive bonus: transfer between armed forces.
''328. Combat-related injury rehabilitation pay.
''329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
''330. Special pay: accession bonus for officer candidates.

''SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

''331. General bonus authority for enlisted members.
''332. General bonus authority for officers.
''333. Special bonus and incentive pay authorities for nuclear officers.
''334. Special aviation incentive pay and bonus authorities for officers.
''335. Special bonus and incentive pay authorities for officers in health professions.
''351. Hazardous duty pay.
''352. Assignment pay or special duty pay.
''353. Skill incentive pay or proficiency bonus.
''354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
''355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

''SUBCHAPTER III—GENERAL PROVISIONS

''371. Relationship to other incentives and pays.
''372. Continuation of pays during hospitalization for wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
''373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.
''374. Regulations.''.

SEC. 662. TRANSITIONAL PROVISIONS.

(a) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT.—The Secretary of Defense shall develop a plan to implement subchapters II and III of chapter 5 of title 37, United States Code, as added by section 661(a), and to correspondingly transition all of the special and incentive pay programs for members of the uniformed services solely to provisions of such subchapters.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the implementation plan to the congressional defense committees.

(b) TRANSITION PERIOD.—During a transition period of not more than 10 years beginning on the date of the enactment of this Act, the Secretary of Defense, the Secretary of a military department, and the Secretaries referred to in subsection (c) may continue to use the authorities in provisions in subchapter I of chapter 5 of title 37, United States Code, as designated by section 661(a), but subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan, to provide bonuses and special and incentive pays for members of the uniformed services.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) NO EFFECT ON FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, obligations incurred under subchapters I, II, and III of chapter 5 of title 37, United States Code, as amended by section 661, to provide bonuses, incentive pays, special pays, and similar payments to members of the uniformed services under such subchapters may not exceed the obligations that would be incurred in the absence of the amendments made by such section.

Subtitle G—Other Matters

SEC. 671. EXPANSION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF THE SELECTED RESERVE.

(a) ADDITIONAL EDUCATIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

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

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

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a nonprofit private entity designated by a State, regulated by that State, and approved by the Secretary for purposes of this section.''.

(b) PARTICIPATION OF OFFICERS IN PROGRAM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty'' and inserting ''a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and in an officer program or military specialty''; and

(2) by striking paragraph (3).

(c) CLERICAL AMENDMENTS.—

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

''§ 16301. Education loan repayment program: members of Selected Reserve''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

''16301. Education loan repayment program: members of Selected Reserve.''.

SEC. 672. ENSURING ENTRY INTO UNITED STATES AFTER TIME ABROAD FOR PERMANENT RESIDENT ALIEN MILITARY SPOUSES AND CHILDREN.

Section 284 of the Immigration and Nationality Act (8 U.S.C. 1354) is amended—

(1) by striking ''Nothing'' and inserting ''(a) Nothing''; and

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

''(b) In the case of a person lawfully admitted for permanent residence who is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), such residence and physical presence abroad shall not be treated as—

''(1) an abandonment or relinquishment of lawful permanent resident status for purposes of section 101(a)(13)(C)(i); or

''(2) an absence from the United States for purposes of section 101(a)(13)(C)(ii).''.

SEC. 673. OVERSEAS NATURALIZATION FOR MILITARY SPOUSES AND CHILDREN.

(a) SPOUSES.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

''(e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical presence in—

''(A) the United States; and

''(B) any State or district of the Department of Homeland Security in the United States.

''(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings oversees pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).''.

(b) CHILDREN.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended by adding at the end the following new subsection:

''(d) In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member—

''(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

''(2) subsection (a)(5) shall not apply; and

''(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).''.

(c) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a) is amended—

(1) in the subsection heading, by inserting ''AND THEIR SPOUSES AND CHILDREN'' after ''FORCES''; and

(2) by inserting '', and persons made eligible for naturalization by section 319(e) or 322(d) of such Act,'' after ''Armed Forces''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. 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. Fair pricing under pharmacy benefits program.
Sec. 704. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 705. Establishment of Nurse Practitioner Program.
Sec. 706. Services of mental health counselors.
Sec. 707. Extension of pilot program for health care delivery.
Sec. 708. Stipend for members of Reserve Components for health care for certain dependents.
Sec. 709. Joint Pathology Center.
Sec. 710. Report on training in preservation of remains under combat or combat-related conditions.
Sec. 711. Pre- and post-deployment assessments for the purpose of determining the cognitive functioning and brain health of deployed members of the Armed Forces.
Sec. 712. Guaranteed funding for Walter Reed Army Medical Center.

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) EXTENSION OF PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''2007'' and inserting ''2008''.

(b) EXTENSION OF PROHIBITION IN INCREASE IN CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of title 10, United States Code, is amended by striking ''2007.'' and inserting ''2008''.

(c) EXTENSION OF PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of title 10, United States Code, is amended by striking ''2007'' and inserting ''2008''.

(d) EXTENSION OF PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of title 10, United States Code, is amended by striking ''2007'' and inserting ''2008''.

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, 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. FAIR PRICING UNDER PHARMACY BENEFITS PROGRAM.

Section 1074g(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9)(A) In carrying out this subsection, the Secretary may, to the extent recommended by the Pharmacy and Therapeutics Committee in the course of reviewing any therapeutic class of pharmaceutical agents, exclude from the pharmacy benefits program any pharmaceutical agent that is not provided to the Secretary consistent with the pricing standard set forth subparagraph (B).

''(B) The pricing standard referred to in subparagraph (A) is that the price of any pharmaceutical agent made available to beneficiaries through all the means described in paragraph (2)(E) shall be the same as, or lower than, the price of the agent under section 8126 of title 38, United States Code.''.

SEC. 704. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on conversions made during fiscal year 2007 not later than 180 days after the enactment of this Act.

(2) MATTERS COVERED.—The report shall include the following:

(A) The number of military medical or dental positions, by grade or band and specialty, converted to civilian medical or dental positions.

(B) The results of a market survey in each affected area of the availability of civilian medical and dental care providers in such area in order to determine whether there were civilian medical and dental care providers available in such area adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area.

(C) An analysis, by affected area, showing the extent to which access to health care and cost of health care was affected in both the direct care and purchased care systems, including an assessment of the effect of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of the conversions.

(D) The extent to which military medical and dental positions converted to civilian medical or dental positions affected recruiting and retention of uniformed medical and dental personnel.

(E) A comparison of the full costs for the military medical and dental positions converted with the full costs for civilian medical and dental positions, including expenses such as recruiting, salary, benefits, training, and any other costs the Department identifies.

(F) An assessment showing that the military medical or dental positions converted were in excess of the military medical and dental positions needed to meet medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''uniformed services'' has the meaning given that term in section 1072(1) of title 10, United States Code.

(4) The term ''conversion,'' with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2306) is repealed.

SEC. 705. ESTABLISHMENT OF NURSE PRACTITIONER PROGRAM.

The Secretary of Defense shall establish at the Uniformed Services University of the Health Sciences a graduate education program for advanced-practice nursing. The Secretary shall, in consultation with the Secretaries of the military departments, determine programs of instruction leading to designation as a Nurse Practitioner, which shall include, at a minimum, family practice and psychiatric or mental health. The program shall be designed to ensure that graduates of the program are fully eligible to meet credentialing requirements of the military departments and at least one State.

SEC. 706. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting ''or licensed or certified mental health counselors'' after ''certified marriage and family therapists'' both places it appears; and

(B) by inserting ''or licensed or certified mental health counselors'' after ''that the therapists.''

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting '', licensed or certified mental health counselor,'' after ''certified marriage and family therapist''.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094 (e)(2) of title 10, United States Code, is amended by inserting ''mental health counselor,'' after ''psychologist,''.

SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH CARE DELIVERY.

(a) EXTENSION OF DURATION OF PILOT PROGRAM.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 1092 note) is amended by striking ''and 2007'' and inserting '', 2007, 2008, 2009, and 2010''.

(b) EXTENSION OF REPORT DEADLINE.—Section 721(f) of such Act is amended by striking ''July 1, 2007'' and inserting ''July 1, 2010''.

(c) REVISION IN SELECTION CRITERIA.—Section 721(d)(2) of such Act is amended by striking ''expected to increase over the next five years'' and inserting ''has increased over the five years preceding 2008''.

(d) ADDITION TO REQUIREMENTS OF PILOT PROGRAM.—Section 721(b) of such Act is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

(3) by adding at the end the following:

''(5) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and non-military health care systems, personal health information and data of military personnel and their families.''.

SEC. 708. STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense may pay a stipend to a member of a reserve component who is called or ordered to active duty for a period of more than 30 days for purposes of maintaining civilian health care coverage for a dependant whom the Secretary determines to possess a special health care need that would be best met by remaining in the member's civilian health plan. In making such determination, the Secretary shall consider whether—

(1) the dependent of the member was receiving treatment for the special health care need before the call or order to active duty of the member; and

(2) the call or order to active duty would result in an interruption in treatment or a change in health care provider for such treatment.

SEC. 709. JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Pathology Center located on the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation in medicine, dentistry, and veterinary sciences.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

SEC. 710. REPORT ON TRAINING IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements of section 567 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2224; 10 U.S.C. 1481 note).

(b) MATTERS COVERED.—The report shall include a detailed description of the implementation of such section, including—

(1) where the training program is taking place;

(2) who is providing the training;

(3) the number of each type of military health care professional trained to date; and

(4) what the training covers.

(c) DEADLINE.—The report required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 711. PRE- AND POST-DEPLOYMENT ASSESSMENTS FOR THE PURPOSE OF DETERMINING THE COGNITIVE FUNCTIONING AND BRAIN HEALTH OF DEPLOYED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall establish a computer-based program that assesses the cognitive functioning, in a pre- and post-deployment environment, of all members of the armed forces who are deployed in support of the Global War on Terror, including Operation Iraqi Freedom and Operation Enduring Freedom.

(b) MINIMUM PROTOCOL REQUIREMENTS.—

(1) IN GENERAL.—The program required by subsection (a) shall include—

(A) administration of computer-based neurocognitive assessments;

(B) pre-deployment assessments to establish a neurocognitive baseline for members of the Armed Forces for future treatment;

(C) a tool to assess mood states associated with post-traumatic stress syndrome; and

(D) a standardized battery of tests to assess traumatic brain injury.

(c) ASSESSMENTS.—

(1) FREQUENCY.—The predeployment assessment to baseline neurocognitive functioning shall be administered within 90 days prior to deployment. The post-deployment assessment shall be administered within 45 days of return from theater.

(2) REQUIREMENTS OF ASSESSMENT.—The computer-based neurocognitive assessments required by subsection (a) shall include the capability to be archived and stored on Department of Defense-based servers for future medical use.

(d) REPORT.—Not later than 9 months 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 this section.

SEC. 712. GUARANTEED FUNDING FOR WALTER REED ARMY MEDICAL CENTER.

The amount of funds available for the commander of Walter Reed Army Medical Center for a fiscal year shall be not less than the amount expended by the commander of Walter Reed Army Medical Center in fiscal year 2006 until the first fiscal year beginning after the date on which the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the expanded facilities at the National Naval Medical Center, Bethesda, Maryland, and DeWitt Army Community Hospital, Fort Belvoir, Virginia, as described in section 304(a), are completed, equipped, and staffed with sufficient capacity to accept and provide at least the same level of care as patients received at Walter Reed Army Medical Center during fiscal year 2006.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Definition of commercial services.

Sec. 802. Acquisition workforce provisions.

Sec. 803. Guidance on defense procurements made through contracts of other agencies.

Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.

Sec. 805. Prohibition on procurement from companies in violation of the Iran and Syria Nonproliferation Act.

Sec. 806. Lead systems integrators.

Sec. 807. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.

Sec. 808. Reinvestment in domestic sources of strategic materials.

Sec. 809. Clarification of the protection of strategic materials critical to national security.

Sec. 810. Debarment of contractors convicted of criminal violations of the Arms Export Control Act.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Change to the Truth in Negotiations Act exception for the acquisition of a commercial item.
Sec. 812. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
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Sec. 814. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 815. Extension of authority to fill shortage category positions for certain federal acquisition positions.
Sec. 816. Extension of authority to carry out certain prototype projects.
Sec. 817. Clarification of limited acquisition authority for special operations command.
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Sec. 819. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
Sec. 820. Market research.

Subtitle C—Accountability in Contracting

Sec. 821. Limitation on length of noncompetitive contracts.
Sec. 822. Maximizing fixed-price procurement contracts.
Sec. 823. Public disclosure of justification and approval documents for noncompetitive contracts.
Sec. 824. Disclosure of Government contractor audit findings.
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Sec. 826. Report to Congress.

Subtitle D—Contracts Relating to Iraq and Afghanistan

Sec. 831. Memorandum of understanding on matters relating to contracting.
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Sec. 833. Definitions.
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Subtitle E—Other Matters

Sec. 841. Rapid Commercial Information Technology Identification Demonstration Project.
Sec. 842. Report to Congress required on delays in major phases of acquisition process for major automated information system programs.
Sec. 843. Requirement for licensing of certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
Sec. 844. Change in grounds for waiver of limitation on service contract to acquire military flight simulator.
Sec. 845. Evaluation of cost of compliance with requirement to buy certain articles from American sources.
Sec. 846. Requirements relating to waivers of certain domestic source limitations.
Sec. 847. Multiple cost threshold breaches.
Sec. 848. Phone cards.
Sec. 849. Jurisdiction under Contract Disputes Act of 1978 over claims, disputes, and appeals arising out of maritime contracts.
Sec. 850. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

Subtitle A—Acquisition Policy and Management

SEC. 801. DEFINITION OF COMMERCIAL SERVICES.

(a) COMMERCIAL ITEM REGULATIONS TO BE USED ONLY FOR COMMERCIAL SERVICES MEETING STATUTORY DEFINITION.—The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to ensure that only commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) are procured under procedures set forth in Part 12 of the Federal Acquisition Regulation. In carrying out the revision, the Administrator shall remove the words ''of a type'' from the definition of commercial services to be procured under such Part 12.

(b) REQUIREMENT TO ANALYZE TWO OPTIONS FOR PROCUREMENT OF SERVICES SIMILAR TO COMMERCIAL SERVICES.—The Administrator for Federal Procurement Policy shall analyze the two options described in subsection (c) to determine which regulations would be in the best interest of the Government for the procurement of services similar to commercial services. After completing the analysis, the Administrator shall revise the Federal Acquisition Regulation to include the option that the Administrator has determined to be in the best interest of the Government.

(c) OPTIONS FOR ANALYSIS.—The two options are as follows:

(1) OPTION 1.—Part 12 of the Federal Acquisition, relating to acquisition of commercial items, with the following additional provisions:

(A) Subject to subparagraph (B), the contracting officer may request the following information from the offeror:

(i) Prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers.

(ii) Information regarding price or cost that may support the price offered, such as wages, subcontracts, or material costs.

(iii) Such other information as the Administrator considers appropriate.

(B) The contracting officer should not request more information than is necessary to determine that an offered price is reasonable.

(2) OPTION 2.—Part 15 of the Federal Acquisition Regulation, relating to contracting by negotiation, as in effect on the date of the enactment of this Act.

SEC. 802. ACQUISITION WORKFORCE PROVISIONS.

(a) REPEAL OF SUNSET OF ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(b) REQUIREMENT FOR SECTION ON ACQUISITION WORKFORCE IN STRATEGIC HUMAN CAPITAL PLAN.—

(1) IN GENERAL.—In the update of the strategic human capital plan for 2008, and in each subsequent update, the Secretary of Defense shall include a separate section focused on the defense acquisition workforce, including both military and civilian personnel.

(2) FUNDING.—The section shall contain—

(A) an identification of the funding programmed for acquisition workforce training in the future years defense program;

(B) a determination by the Secretary of whether such funding is adequate; and

(C) an evaluation of how such funding can be protected from being diverted to other uses.

(3) AREAS OF NEED.—The section also shall identify any areas of need in the acquisition workforce, including—

(A) changes to the types of skills needed in the acquisition workforce;

(B) incentives to retain in the acquisition workforce qualified, experienced acquisition workforce personnel; and

(C) incentives for attracting new, high-quality personnel to the acquisition workforce.

(c) STRATEGIC HUMAN CAPITAL PLAN DEFINED.—In this section, the term ''strategic human capital plan'' means the strategic human capital plan required under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note).

SEC. 803. GUIDANCE ON DEFENSE PROCUREMENTS MADE THROUGH CONTRACTS OF OTHER AGENCIES.

(a) GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance on the use of interagency contracting by the Department of Defense.

(b) MATTERS COVERED.—The guidance shall include, at a minimum, the following provisions:

(1) Items unique to the Department of Defense may not be acquired by interagency contracting.

(2) Acquisition officials should make a good faith effort, including through the conduct of market research, if appropriate, to identify whether an item considered for interagency contracting is already being provided under a contract awarded by the Department of Defense.

(3) Acquisition officials shall ensure that, with respect to the outside agency involved in any procurement through interagency contracting, any requirements related to the procurement that are specific to the Department of Defense shall be identified and communicated to the agency, including relevant requirements of the following:

(A) The Federal Acquisition Regulation.

(B) The Department of Defense Supplement to the Federal Acquisition Regulation.

(C) Appropriations laws.

(D) Provisions in law or regulation that are unique to defense procurement and that apply to the specific contract under consideration, but that may not be included under subparagraph (A), (B), or (C).

(c) DEFINITIONS.—In this section:

(1) INTERAGENCY CONTRACTING.—The term ''interagency contracting'' means the procurement of goods or services (under section 1535 of title 31, United States Code) through a contract entered into by an agency outside the Department of Defense.

(2) ACQUISITION OFFICIAL.—The term ''acquisition official'' means—

(A) in the case of a direct acquisition, the contracting officer for the acquisition; and

(B) in the case of an assisted acquisition, the program manager coordinating the acquisition for the Department of Defense.

(3) DIRECT ACQUISITION.—The term ''direct acquisition'' means the type of interagency contracting through which the Department of Defense orders an item or service from a government-wide acquisition contract maintained by an agency outside the Department.

(4) ASSISTED ACQUISITION.—The term ''assisted acquisition'' means the type of interagency contracting through which an agency outside the Department of Defense awards a contract for the procurement of goods or services.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person

also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) SUBCONTRACTS AND TASK ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders at any tier issued under the contract.

(d) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) APPLICABILITY.—

(1) PROGRAMS WITH MILESTONE B APPROVAL NOT COVERED.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. PROHIBITION ON PROCUREMENT FROM COMPANIES IN VIOLATION OF THE IRAN AND SYRIA NONPROLIFERATION ACT.

(a) PROHIBITION.—Except as provided in subsection (c), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of goods or services from a source subject to sanctions for violations of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) or from any source that is owned or controlled by a sanctioned entity.

(b) CONTRACTS COVERED.—This section applies to prime contracts and subcontracts at any tier under such contracts.

(c) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) does not apply in any case in which the Secretary of Defense determines that there is a compelling reason to solicit an offer from, award a contract or subcontract to, or extend a contract or subcontract with a source described in that subsection. The exception in the preceding sentence may not be used if the same or reasonably equivalent products or services are available from a non-sanctioned source.

(2) NOTICE TO CONGRESS.—The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a notice of any determination made under paragraph (1) at the time of the determination.

SEC. 806. LEAD SYSTEMS INTEGRATORS.

(a) PROHIBITION ON THE USE OF LEAD SYSTEMS INTEGRATORS.—The Department of Defense may not award any new contracts for lead systems integrator functions in the acquisition of major systems, effective October 1, 2011.

(b) PLAN FOR ACQUISITION WORKFORCE.—

(1) REQUIREMENT.—The Secretary of Defense shall develop a plan for establishing the appropriate size of the acquisition workforce to accomplish inherently governmental functions related to acquisition of major weapons systems. In developing the plan, the Secretary shall, at a minimum—

(A) identify the positions and skills, due to their inherently governmental nature, that should be supplied by Department of Defense personnel versus contractor personnel;

(B) identify the gaps in skills that exist within the current defense workforce;

(C) create a plan for closing such skill gaps;

(D) create a plan for obtaining a proper match between the level of acquisition expertise within each acquisition program office and the level of risk associated with the acquisition program that the program office is expected to manage; and

(E) identify the additional personnel or hiring authorities that may be required on an interim basis, until such time as the Department of Defense has sufficient government personnel to fill the positions designated as inherently governmental.

(2) DEADLINE.—The plan described in paragraph (1) shall be submitted to the congressional defense committees no later than October 1, 2008.

(c) EXCEPTION FOR CONTRACTS FOR OTHER MANAGEMENT SERVICES.—The Department of Defense may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met:

(1) The contractor may not perform inherently governmental functions, as may be prescribed by the Secretary of Defense, including—

(A) determining courses of action to be taken in the best interest of the government; and

(B) determining best technical performance for the warfighter; and

(2) a prime contractor for such a contract may not award a subcontract to an entity owned in whole or in part by the prime contractor.

(d) DEFINITIONS.—In this section:

(1) LEAD SYSTEMS INTEGRATOR.—The term ''lead systems integrator'' means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for the procurement of services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) MAJOR SYSTEM.—The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

SEC. 807. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-SERVING INSTITUTIONS AND ALASKA NATIVE-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

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

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

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

''(E) Native Hawaiian-serving institutions and Alaska Native-serving institutions (as defined in section 317 of the Higher Education Act of 1965).'';

(2) in subsection (a)(2) by inserting after ''Hispanic-serving institutions,'' the following: ''Native Hawaiian-serving institutions and Alaska Native-serving institutions,'';

(3) in subsection (c)(1), by inserting after ''Hispanic-serving institutions,'' the following: ''Native Hawaiian-serving institutions and Alaska Native-serving institutions,''; and

(4) in subsection (c)(3), by inserting after ''Hispanic-serving institutions,'' the following: ''to Native Hawaiian-serving institutions and Alaska Native -serving institutions,''.

SEC. 808. REINVESTMENT IN DOMESTIC SOURCES OF STRATEGIC MATERIALS.

(a) REINVESTMENT REQUIRED.—

(1) PROPOSAL EVALUATION CRITERIA.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance requiring that all Department of Defense solicitations for proposals for major systems that could contain strategic materials clearly specify that an evaluation criteria for such proposals will be the extent to which each prospective strategic material supplier demonstrates a record of sustained reinvestment in processes, infrastructure, workforce training, and facilities for domestic production of such a material, as well as a plan for continued reinvestment.

(2) FLOW DOWN REQUIRED.—Guidance issued under this subsection shall require that the evaluation criteria be incorporated by reference into any solicitation for sources of strategic materials at any contractual tier.

(b) REVIEW AND REPORT.—

(1) REVIEW REQUIRED.—The Strategic Materials Protection Board, established under section 187 of title 10, United States Code, shall, on an annual basis—

(A) review the number of proposals submitted for major systems that could contain strategic materials; and

(B) as part of the Board's duties under paragraph (2) and (3) of section 187(b) of such title, determine the following:

(i) The percentage of proposals that were found to be responsive to the reinvestment evaluation criteria required under subsection (a).

(ii) The percentage of responsive proposals that were awarded.

(iii) The percentage of non-responsive proposals that were awarded.

(iv) The long-term viability of strategic materials suppliers, based upon the past and future reinvestment planned by the suppliers.

(2) INCLUSION IN BOARD REPORT.—The Strategic Materials Protection Board shall include its findings in the next report submitted to Congress under section 187(d) of title 10, United States Code, after the date of the enactment of this Act. The Board shall include the findings of subsequent annual reviews in subsequent reports submitted under such section.

(c) DEFINITIONS.—In this section:

(1) STRATEGIC MATERIAL.—The term ''strategic material'' means—

(A) a material designated as critical to national security by the Strategic Materials Protection Board in accordance with the section 187 of title 10, United States Code;

(B) a specialty metal as defined by section 2533b of title 10, United States Code; or

(C) steel.

(2) MAJOR SYSTEM.—The term ''major system'' has the meaning provided in section 2302 of title 10, United States Code.

SEC. 809. CLARIFICATION OF THE PROTECTION OF STRATEGIC MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) DEFINITION OF REQUIRED FORM.—Subsection (b) of section 2533b of title 10, United States Code, is amended by striking the period at the end and inserting the following: ''and the term 'required form' means mill products, such as slab, plate and sheet, in the required form necessary. The term 'required form' shall not apply to end items or to their components at any tier.''.

(b) APPLICABILITY TO PROCUREMENTS OF COMMERCIAL ITEMS.—Subsection (h) of section 2533b of title 10, United States Code, is amended by inserting ''or 35'' after ''This section applies to procurements of commercial items notwithstanding section 34.''

(c) REVISION OF DOMESTIC NON-AVAILABILITY DETERMINATIONS.—Any Domestic Non-Availability Determination made by the Department

of Defense between December 6, 2006 and the date 60 days after the date of the enactment of this Act shall be reviewed and amended, if necessary, to comply with subsection (a) and (b).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to contracts entered into 60 days after the date of the enactment of this Act.

SEC. 810. DEBARMENT OF CONTRACTORS CONVICTED OF CRIMINAL VIOLATIONS OF THE ARMS EXPORT CONTROL ACT.

(a) DEBARMENT.—Except as provided in subsection (b), if the Secretary of Defense determines that a contractor or prospective contractor has been convicted of a criminal violation of any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Secretary shall debar such contractor or prospective contractor from contracting with the Department of Defense for a period not to exceed 5 years, not later than 90 days after determining that the contractor has been so convicted.

(b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) does not apply in any case in which the Secretary determines that there is a compelling reason to solicit an offer from, award a contract to, extend a contract with, or approve a subcontract with such contractor or prospective contractor.

(2) PUBLIC NOTICE.—The Secretary shall transmit to the Administrator of General Services a notice of any determination made under paragraph (1) at the time of the determination. The Administrator of General Services shall maintain each such notice in a file available for public inspection.

(c) DEFINITION.—In this section, the term ''debar'' has the meaning given that term by section 2393(c) of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CHANGE TO THE TRUTH IN NEGOTIATIONS ACT EXCEPTION FOR THE ACQUISITION OF A COMMERCIAL ITEM.

Section 2306a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) CERTAIN SOLE SOURCE PROCUREMENTS.—The exception in paragraph (1)(C) does not apply in the case of a contract, subcontract, or modification of a contract or subcontract that is for a commercial item to be procured using procedures other than competitive procedures—

''(A) if the contracting officer determines that commercial sales data are insufficient to determine a fair and reasonable price; and

''(B) if the contractor's business segment has submitted certified cost or pricing data in connection with at least one contract award or contract modification.''.

SEC. 812. CLARIFICATION OF SUBMISSION OF COST OR PRICING DATA ON NON-COMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.

(a) MEASUREMENT OF PERCENTAGE AT CONTRACT AWARD.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by inserting after ''total price of the contract'' the following: ''(at the time of contract award)''.

(b) ADJUSTMENT OF DOLLAR AMOUNT.—Section 2306a(b)(3)(A) of such title is amended by striking ''$500,000'' and inserting ''$650,000''.

SEC. 813. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE CONTRACT CLAUSES ON COMMERCIAL CONTRACTS.

(a) PLAN.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop and implement a plan to minimize the number of Government-unique contract clauses used in commercial contracts by restricting the clauses to the following:

(1) Government-unique clauses authorized by law or regulation.

(2) Any additional clauses that are relevant and necessary to a specific contract.

(b) COMMERCIAL CONTRACT.—In this section:

(1) The term ''commercial contract'' means a contract awarded by the Federal Government for the procurement of a commercial item.

(2) The term ''commercial item'' has the meaning provided by section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 814. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

SEC. 815. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS.

Section 1413(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1665) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2012''.

SEC. 816. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 817. CLARIFICATION OF LIMITED ACQUISITION AUTHORITY FOR SPECIAL OPERATIONS COMMAND.

Section 167(e)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C)(i) The staff of the commander shall include an acquisition executive, who shall be responsible for the same functions and duties, and have the same authorities, as the service acquisition executives for the military departments.

''(ii) The staff of the commander shall include a senior procurement executive, who shall be responsible for providing management direction of the procurement system of the command, advising and assisting the commander and other officials of the combatant command to ensure that activities and missions of the command are achieved through the management of the procurement system of the command, and otherwise being responsible for the same functions and duties, and having the same authorities, as the senior procurement executive for the military departments.

''(iii) The commander of the special operations command may designate the same individual to the position of acquisition executive and the position of senior procurement executive.

''(iv) Any reference to service acquisition executive or senior procurement executive of a military department in any Federal law, Executive order, or regulation is deemed to include the acquisition executive or senior procurement executive of the special operations command unless such law, order, or regulation explicitly excludes such positions by reference to this section.''.

SEC. 818. EXEMPTION OF SPECIAL OPERATIONS COMMAND FROM CERTAIN REQUIREMENTS FOR CONTRACTS RELATING TO VESSELS, AIRCRAFT, AND COMBAT VEHICLES.

Subsection (e) of section 167 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) The commander of the command, in carrying out his functions under this subsection, may carry out such functions with respect to a contract covered by section 2401 of this title without regard to subsection (b) of that section if—

''(A) the contract is for a term of not more than 5 years (including all options to renew or extend the contract); and

''(B) funds are available and obligated for the full cost of the contract (including termination costs) on or before the date the contract is awarded.''.

SEC. 819. PROVISION OF AUTHORITY TO MAINTAIN EQUIPMENT TO UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING.

Section 167a of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''and acquire'' and inserting '', acquire, and maintain'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

''(f) LIMITATION ON AUTHORITY TO MAINTAIN EQUIPMENT.—The authority delegated under subsection (a) to maintain equipment is subject to the availability of funds authorized and appropriated specifically for that purpose.''.

SEC. 820. MARKET RESEARCH.

(a) MARKET RESEARCH.—Subsection (c) of section 2377 of title 10, United States Code, is amended as follows:

(1) The subsection heading is amended by striking ''PRELIMINARY''.

(2) Paragraph (1) is amended—

(A) by striking ''research appropriate to the circumstances—'' and inserting ''research—'';

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

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

(D) by adding at the end the following:

''(C) before awarding a task order in excess of the simplified acquisition threshold.''.

(3) The subsection is amended by adding at the end the following new paragraphs:

''(4) The Secretary of Defense shall ensure that market research under this subsection includes use of an appropriately tailored search engine to access the world wide web in order to identify readily available capabilities in the commercial market place.

''(5) For programs with a value in excess of $1,000,000, the contracting officer must certify that market research was performed before award of the contract or task order.''.

(b) EVALUATION OF CERTAIN INCENTIVES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall evaluate options for preferences or economic incentives for contractors that maximize the use of readily available and proven capabilities in the commercial market place.

Subtitle C—Accountability in Contracting

SEC. 821. LIMITATION ON LENGTH OF NON-COMPETITIVE CONTRACTS.

(a) REVISION OF FAR.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) CONTRACT PERIOD.—The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than $1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term ''head of the executive agency'' means the head of an executive agency except that, in the case of the Department of Defense, the term means—

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 822. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and 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, and 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, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 823. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

''(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

''(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

''(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

''(3) 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.''.

(2) CONFORMING AMENDMENT.—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) DEFENSE AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

''(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

''(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

''(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.''.

(2) CONFORMING AMENDMENT.—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 824. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) REQUIREMENT.—The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of $10,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) COMMITTEES.—The report described in paragraph (1) shall be submitted to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) EXCEPTION.—Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—

(1) REQUIREMENT.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) COMMITTEES.—The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

SEC. 825. STUDY OF ACQUISITION WORKFORCE.

(a) REQUIREMENT FOR STUDY.—The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 826. REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress that contains the Director's recommendations on requiring Government contractors that advise one or more Federal agencies on procurement policy, and requiring federally funded research and development centers, to comply with restrictions relating to personal financial interests, such as those that apply to Federal employees.

(b) DEFINITION.—In this section:

(1) GOVERNMENT CONTRACTOR.—The term ''Government contractor'' means any person (other than a Federal agency) with which a Federal agency has entered into a contract to acquire goods or services.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(B) any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

(3) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The term ''federally funded research and development center'' means a federally funded research and development center as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation.

Subtitle D—Contracts Relating to Iraq and Afghanistan

SEC. 831. MEMORANDUM OF UNDERSTANDING ON MATTERS RELATING TO CONTRACTING.

(a) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall enter into a memorandum of understanding regarding matters relating to contracting for contracts in Iraq or Afghanistan.

(b) RESTRICTIONS ON CONTRACTING UNTIL MEMORANDUM SIGNED.—

(1) RESTRICTION.—Except as provided in paragraph (2), on and after January 1, 2008, no contracts in Iraq or Afghanistan may be awarded by the Department of Defense, the Department of State, or the United States Agency for International Development (A) unless the memorandum required by subsection (a) has been signed by the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, respectively; and (B) the department or agency concerned has initiated use of the common database identified in such memorandum to track contracts in Iraq or Afghanistan.

(2) WAIVER.—

(A) The restriction in paragraph (1) may be waived by the President for a period of 30 days if the President submits to the relevant committees of Congress a notification of the waiver and the reasons for the waiver at least 15 days before issuing the waiver.

(B) Such waiver may be renewed for any number of additional 30-day periods if the President submits to the relevant committees of Congress a notification of the renewal of the waiver and the reasons for renewing the waiver at least 15 days before issuing the renewal of the waiver.

(c) MATTERS COVERED.—The memorandum of understanding required by subsection (a) shall address, at a minimum, the following:

(1) Identification of the major categories of contracts in Iraq or Afghanistan being awarded by the Department of Defense, the Department of State, or the United States Agency for International Development.

(2) Identification of the roles and responsibilities of each department or agency for matters relating to contracting for contracts in Iraq or Afghanistan.

(3) Responsibility for authorizing the carrying of weapons in performance of such contracts.

(4) Responsibility for establishing minimum qualifications, including background checks, for personnel carrying weapons in performance of such contracts.

(5) Responsibility for setting rules of engagement for personnel carrying weapons in performance of such contracts.

(6) Responsibility for establishing procedures for, and the coordination of, movement of contractor personnel in Iraq or Afghanistan.

(7) Identification of a common database that will serve as a repository of information on all contracts in Iraq or Afghanistan, and agreement on the elements to be included in the database, including, at a minimum, with respect to each contract—

(A) a brief description of the contract;

(B) the value of the contract;

(C) the amount of cost ascribed to overhead for the contract;

(D) the amount of cost ascribed to security for the contract;

(E) the total number of personnel employed on the contract; and

(F) the total number of personnel employed on the contract who provide security in Iraq or Afghanistan.

(8) Responsibility for maintaining and updating information in the common database identified under paragraph (7).

(9) Responsibility for the collection and referral to the appropriate Government agency of any information relating to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), or chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act).

(d) COPIES PROVIDED TO CONGRESS.—Copies of the memorandum of understanding required by subsection (a) shall be provided to the relevant committees of Congress within 30 days after the memorandum is signed.

SEC. 832. COMPTROLLER GENERAL REVIEWS AND REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) REVIEWS AND REPORTS REQUIRED.—

(1) IN GENERAL.—Every six months, the Comptroller General shall review contracts in Iraq or Afghanistan and submit to the relevant committees of Congress a report on such review.

(2) MATTERS COVERED.—A report under this subsection shall cover the following with respect to the contracts in Iraq or Afghanistan reviewed for the report:

(A) Total number of contracts awarded during the period covered by the report.

(B) Total number of active contracts.

(C) Total value of all contracts awarded during the reporting period.

(D) Total value of active contracts.

(E) Total number of contractor personnel working on contracts during the reporting period.

(F) Total number of contractor personnel who have provided security in Iraq or Afghanistan for contracts during the reporting period.

(G) Categories of activities undertaken in reviewed contracts.

(H) The extent to which such contracts have used competitive procedures.

(I) The extent to which such contracts have achieved the initial scope of requirements included in the contracts.

(J) The effect of costs for security on such contracts and whether contracting for security on such contracts rather than government-provided security is more effective, efficient, and consistent with the United States policy goals.

(K) Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

(3) SUBMISSION OF REPORTS.—The Comptroller General shall submit an initial report under this subsection not later than March 1, 2008, and shall submit an updated report every six months thereafter until March 1, 2010.

(b) ACCESS TO DATABASE ON CONTRACTS.—The Secretary of Defense and the Secretary of State shall provide full access to the database described in section 831(c)(7) to the Comptroller General for purposes of the reviews carried out under this section.

SEC. 833. DEFINITIONS.

In this subtitle:

(1) MATTERS RELATING TO CONTRACTING.—The term ''matters relating to contracting'', with respect to contracts in Iraq and Afghanistan, means all matters relating to awarding, funding, managing, tracking, monitoring, and providing oversight to contracts and contractor personnel.

(2) CONTRACTS IN IRAQ OR AFGHANISTAN.—The term ''contracts in Iraq and Afghanistan'' means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order at any tier issued under such a contract (including a contract, subcontract, or task order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order involves worked performed in Iraq or Afghanistan for a period longer than 14 days.

(3) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means each of the following committees:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 834. COMPETITION FOR EQUIPMENT SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

Subtitle E—Other Matters

SEC. 841. RAPID COMMERCIAL INFORMATION TECHNOLOGY IDENTIFICATION DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Networks and Information Integration, shall establish a demonstration project to develop, implement, and assess the effectiveness of a comprehensive approach to identifying, assessing, stimulating investment in, rapidly acquiring, and coordinating the use of commercial information technologies (with an emphasis on commercial off-the-shelf information technologies). The demonstration project shall be known as the ''Rapid Commercial Information Technology Identification Demonstration Pilot.''

(b) MATTERS COVERED.—The demonstration project shall include the following:

(1) Developing a process to rapidly assess and set priorities for significant needs of the Department of Defense that could be met by commercial information technology, including a process for—

(A) aligning needs with the requirements of the combatant commanders; and

(B) evaluating commercial products of interest against those needs.

(2) Providing for the hiring and support of employees (including the ability to request detailees from other military or Federal organizations) who can identify and assess promising commercial information technologies and serve as intermediaries to the Department.

(3) Enhancing internal Department data and communications about promising or existing commercial information technology or federally funded information technologies projects.

(4) Identifying key commercial information technologies and using existing mechanisms to make them available to the Armed Forces.

(5) Developing and operating a suitable Web portal or other significant virtual environment to facilitate communications with industry.

(6) Providing for acquisition guides for small information technology companies with promising technologies, to help them understand and navigate the funding and acquisition processes of the Department of Defense.

(7) Developing methods to measure program performance and collecting data on an ongoing basis to assess the effects of the process being used by the demonstration program.

(c) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted for a period of three years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense $10,000,000 for fiscal year 2008 to carry out the demonstration project under this section, to be derived from amounts provided in section 201(4) for research, development, test, and evaluation, Defense-wide activities.

(e) REPORT 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 a report on the implementation of the demonstration project required under this section.

SEC. 842. REPORT TO CONGRESS REQUIRED ON DELAYS IN MAJOR PHASES OF ACQUISITION PROCESS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) REPORT REQUIRED FOR CERTAIN DELAYS.—In the case of any major automated information system program, if there is a delay in meeting any deadline for a phase of the acquisition process for the program specified in subsection (b), the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the

congressional defense committees a report on the delay. The report shall be submitted not later than 30 days after the delay occurs.

(b) DEADLINES.—The deadlines for a phase of the acquisition process referred to in subsection (a) are the following:

(1) With respect to approval of any analysis of alternatives, within one year from the date each analysis began.

(2) With respect to achieving Milestone B in accordance with section 2366a of title 10, United States Code, within 18 months after the date of Milestone A approval.

(3) With respect to completion of any capability development document, within six months from the time of determined need to the time of approval.

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a)—

(1) shall set forth the reason or reasons the Department of Defense was unable to complete the delayed process or processes on time; and

(2) shall include a written certification with a supporting explanation stating that—

(A) the program is necessary for the efficient management of the Department; and

(B) the most current estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and the management structure for the program is adequate to manage and control program costs.

SEC. 843. REQUIREMENT FOR LICENSING OF CERTAIN MILITARY DESIGNATIONS AND LIKENESSES OF WEAPONS SYSTEMS TO TOY AND HOBBY MANUFACTURERS.

(a) REQUIREMENT TO LICENSE CERTAIN ITEMS.—Section 2260 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by adding after subsection (b) the following new subsection:

''(c) REQUIRED LICENSES.—(1) The Secretary concerned shall license trademarks, service marks, certification marks, and collective marks relating to military designations and likenesses of military weapons systems to any qualifying company upon receipt of a request from the company.

''(2) For purposes of paragraph (1), a qualifying company is any United States company that is a small business concern and that—

''(A) is a toy or hobby manufacturer, distributor, or merchant; and

''(B) is determined by the Secretary concerned to be qualified in accordance with such criteria as may be prescribed by the Secretary of Defense.

''(3) The fee for a license under this subsection shall be determined under regulations prescribed by the Secretary of Defense. Any such fee shall be nominal and shall be an amount not less than an amount needed to recover all costs of the Department of Defense in processing the request for the license and supplying the license.

''(4) A license under this subsection shall not be an exclusive license.''.

(b) EFFECTIVE DATE.—The Secretary of Defense shall prescribe regulations to implement the amendment made by this section not later than 180 days after the date of the enactment of this Act.

SEC. 844. CHANGE IN GROUNDS FOR WAIVER OF LIMITATION ON SERVICE CONTRACT TO ACQUIRE MILITARY FLIGHT SIMULATOR.

Section 832(b)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2331) is amended by striking ''necessary for national security purposes'' and inserting ''in the national interest''.

SEC. 845. EVALUATION OF COST OF COMPLIANCE WITH REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

(a) EXCLUSION FROM PRICE OR COST COMPARISON .—For all Department of Defense prime contract awards and subcontract awards at any tier, in the event that a price or cost comparison is made as part of an evaluation of offers for goods or services provided by a United States firm and by a foreign source benefitting from the exception provided in section 2533a(e)(1)(B) or 2533b(d)(1)(B) of title 10, United States Code, the cost of compliance described in subsection (c) shall not be considered in such an evaluation.

(b) INCLUSION IN EVALUATION OF OFFERS.—The cost of compliance shall be considered in the evaluation of offers provided by United States firms and by foreign sources submitting compliant offers.

(c) COST OF COMPLIANCE.—The cost of compliance described in this subsection is the cost of compliance for a United States firm to procure items grown, reprocessed, reused, or produced in the United States, in accordance with section 2533a of title 10, United States Code, or to procure specialty metals melted or produced in the United States, in accordance with section 2533b of such title 10.

SEC. 846. REQUIREMENTS RELATING TO WAIVERS OF CERTAIN DOMESTIC SOURCE LIMITATIONS.

(a) MULTI-CONTRACT AND CLASS WAIVERS.—A domestic non-availability determination pursuant to section 2533b(b) of title 10, United States Code, that would apply to more than one prime contract of the Department of Defense shall be made only if the determination—

(1) has been proposed and finalized under a formal rulemaking;

(2) specifies that the determination will expire 30 days after the Secretary concerned finds that the determination is no longer justified; and

(3) requires an accounting of all end items, components, or specialty metals that do not comply with the requirement in section 2533b(a) of such title.

(b) SINGLE CONTRACT WAIVERS.—In making a domestic non-availability determination pursuant to 2533b(b) of such title that applies to a single prime contract of the Department of Defense, the Secretary concerned shall ensure, after making the determination, that—

(1) the information used as justification in making the determination is made publicly available to the maximum extent practicable; and

(2) the contracting officer for the contract concerned receives an accounting of all end items, components, or specialty metals that do not comply with the requirement in section 2533b (a) of such title.

(c) SPECIALTY METAL DEFINED.—In this section, the term ''specialty metal'' has the meaning provided in section 2533b(I) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall be effective as of February 1, 2007.

SEC. 847. MULTIPLE COST THRESHOLD BREACHES.

(a) EVALUATION OF COST THRESHOLD BREACHES.—Within 30 days following the end of a fiscal year, each component of the Department of Defense shall evaluate, for the preceding fiscal year—

(1) the number of acquisition programs within the component that experienced significant and critical cost threshold breaches, as defined in section 2433 of title 10, United States Code; and

(2) the number of technology development programs within the component that, prior to a Milestone B decision, required recertification by the Joint Requirements Oversight Council.

(b) IDENTIFICATION AND REPORT ON SYSTEMIC DEFICIENCIES.—Within 90 days following the end of a fiscal year, each component of the Department of Defense that has identified more than two such programs under subsection (a), shall identify systemic deficiencies in its acquisition policies or practices that may have contributed to the cost growth in such programs and provide a report to the Secretary of Defense outlining corrective actions to be taken.

(c) ASSESSMENT OF CORRECTIVE ACTIONS.—Within 120 days following the end of a fiscal year, the Secretary of Defense shall provide an assessment of the adequacy of such corrective actions, along with the details of the deficiencies leading to such cost growth, to the congressional defense committees.

(d) DEFINITION OF COMPONENT.—In this section, the term ''component'' means a military department, a combatant command, a Defense Agency, and any part of the Office of the Secretary of Defense that manages a major defense acquisition program.

SEC. 848. PHONE CARDS.

(a) COMPETITIVE PROCEDURES REQUIRED.—When the Secretary of Defense considers it necessary to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones, he shall use competitive procedures when entering into a contract to provide those services. In evaluating contract proposals for such services, the Secretary shall require bid proposals to include options that minimize the cost of the phone services to individual users while providing individual users the flexibility of using phone cards from other than the bidding entity.

(b) EFFECTIVE DATE.—This section shall apply to any new contract to provide morale welfare and recreation phone services in a combat theater that is entered into after the date of enactment of this Act. With regard to the extension of any contract to provide such services that is in existence on such date of enactment, the Secretary shall examine with the contractor whether it is possible to further reduce the cost of the services to the soldier by allowing the use of phone cards other than the contractor's. The Secretary shall submit the results of his review to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 849. JURISDICTION UNDER CONTRACT DISPUTES ACT OF 1978 OVER CLAIMS, DISPUTES, AND APPEALS ARISING OUT OF MARITIME CONTRACTS.

Section 4 of the Contract Disputes Act of 1978 (41 U.S.C. 603) is amended by striking ''of maritime contracts,'' and all that follows through the end of the section and inserting ''of maritime contracts, shall be governed exclusively by this Act.''

SEC. 850. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.

Section 1491 of title 28, United States Code, is amended by adding at the end the following:

''(d) Jurisdiction over any actions described under subsection (b)(1) of this section arising out of a maritime contract (as that term is used in the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)) or a proposed maritime contract shall be governed by this section, and shall not be subject to the jurisdiction of the district courts of the United States under chapter 309 of title 46, popularly known as the Suits in Admiralty Act, or chapter 311 of title 46, popularly known as the Public Vessels Act.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Additional requirements relating to limitation on major Department of Defense headquarters activities personnel.

Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.

Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.

Sec. 904. Revisions in functions and activities of special operations command.

Sec. 905. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 906. Management system of the Department of Defense.

Sec. 907. Acquisition parity for Special Operations Command.
Sec. 908. Department of Defense Board of Actuaries.

Subtitle B—Space Activities

Sec. 911. Space protection policy and strategy.
Sec. 912. Biennial report on management of space cadre within the Department of Defense.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical demilitarization citizens advisory commissions.
Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

Sec. 931. Reports on foreign language proficiency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis

Sec. 941. Analysis and organization of roles and missions of Department of Defense.
Sec. 942. Identification of core competencies of the military departments and other entities within the Department of Defense.
Sec. 943. Review of capabilities of the military departments and other entities.
Sec. 944. Joint Requirements Oversight Council additional duties relating to core mission areas.
Sec. 945. Requirement for certification of major systems prior to technology development.
Sec. 946. Presentation of future-years mission budget by core mission area.
Sec. 947. Future capability planning by Joint Requirements Oversight Council.

Subtitle F—Other Matters

Sec. 951. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
Sec. 952. Interagency policy coordination.
Sec. 953. Expansion of employment creditable under service agreements under National Security Education Program.
Sec. 954. Study of national security interagency system.

Subtitle A—Department of Defense Management

SEC. 901. ADDITIONAL REQUIREMENTS RELATING TO LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

Section 130a of title 10, United States Code, is amended—

(1) in subsection (c)(2), by striking ''may not be changed except as provided by law.'' and inserting ''may be changed only if the Secretary of Defense submits proposed changes to Congress with the defense budget materials. Any such submitted changes shall take effect on the January 1 following the submission.''; and

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

''(e) FLEXIBILITY IN ORDER TO ACHIEVE COST SAVINGS OR ELIMINATE CONTRACTS ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.—(1) If the Secretary of a military department or the commander of a combatant command certifies to the Secretary of Defense that a waiver of the limitation in subsection (a) or a reallocation among the military departments or combatant commands of the number of personnel permissible under subsection (a) either is expected to result in a cost savings or is necessary to eliminate a contract associated with an inherently governmental function (including cost savings or the elimination of a contract resulting from guidelines and procedures prescribed pursuant to section 343 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163)), the Secretary of Defense shall waive such limitation or make such reallocation to the extent necessary to achieve the cost savings or to eliminate the contract.

''(2) The Secretary of Defense shall include a report, with the defense budget materials for a fiscal year, outlining the uses of the waiver or reallocation authority provided in paragraph (1) during the preceding fiscal year, including the number of times the waiver or reallocation authority was used, the purposes for which it was used, expected cost savings, if any, and the number of personnel affected.

''(f) DEFENSE BUDGET MATERIALS.—In this section, 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 that is submitted to Congress by the President under section 1105(a) of title 31.''.

SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEPUTY CHIEFS AND ASSISTANT CHIEFS.

(a) ARMY.—Section 3035(b) of title 10, United States Code, is amended to read as follows:

''(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.''.

(b) NAVY.—

(1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended—

(A) by striking ''There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations,'' and inserting ''There are Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations,'' ; and

(B) by adding at the end the following: ''The Secretary of the Navy shall prescribe the number of Deputy Chiefs of Naval Operations under this section and Assistant Chiefs of Naval Operations under section 5037 of this title, for a total of not more than eight positions.''.

(2) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended—

(A) by striking ''There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations,'' and inserting ''There are Assistant Chiefs of Naval Operations in the Office of the Chief of Naval Operations,''; and

(B) by adding at the end the following: ''The Secretary of the Navy shall prescribe the number of Assistant Chiefs of Naval Operations in accordance with section 5036(a) of this title.''.

(c) AIR FORCE.—Section 8035(b) of title 10, United States Code, is amended to read as follows:

''(b) The Secretary of the Air Force shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.''.

SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.

(a) SECRETARY OF DEFENSE.—Section 113(a) of title 10, United States Code, is amended by striking ''10'' and inserting ''five''.

(b) DEPUTY SECRETARY OF DEFENSE.—Section 132(a) of such title is amended by striking ''ten'' and inserting ''five''.

(c) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134(a) of such title is amended by striking ''10'' and inserting ''five''.

SEC. 904. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

(a) ADDITIONAL PRINCIPAL FUNCTION.—Section 167(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''With the advice''; and

(2) by striking the sentence beginning with ''The principal function'' and inserting the following new paragraph:

''(2) The principal functions of the command are—

''(A) to prepare special operations forces to carry out assigned missions; and

''(B) if directed by the President or the Secretary of Defense, to plan, synchronize, and carry out global missions against terrorists.''.

(b) REPORT REQUIREMENTS.—

(1) REPORT ON UNCONVENTIONAL WARFARE.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to meet the future requirements of unconventional warfare.

(2) ANNUAL REPORT ON PERSONNEL MANAGEMENT.—Not later than March 1, 2008, and not later than September 1 each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the adequacy of Department of Defense personnel management programs to meet the needs of the special operations command.

(c) ADDITIONAL SPECIAL OPERATIONS ACTIVITIES.—Subsection (j) of section 167 of such title is amended to read as follows:

''(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

''(1) Unconventional warfare.
''(2) Counterterrorism.
''(3) Counterinsurgency.
''(4) Counterproliferation of weapons of mass destruction.
''(5) Direct action.
''(6) Strategic reconnaissance.
''(7) Foreign internal defense.
''(8) Civil-military operations.
''(9) Psychological and information operations.
''(10) Humanitarian assistance.
''(11) Theater search and rescue.
''(12) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 906. MANAGEMENT SYSTEM OF THE DEPARTMENT OF DEFENSE.

(a) DUTIES RELATING TO MANAGEMENT OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall assign duties relating to strategic level oversight of all significant management issues of the Department of Defense to a senior official of a rank not lower than an Under Secretary of Defense.

(b) MANAGEMENT SYSTEM.—The Secretary of Defense shall adopt a management structure for the Department of Defense, including business support areas, which shall define roles, processes, and accountability for achieving the essential management goals of the Department of Defense

(c) ESSENTIAL MANAGEMENT GOALS.—The Secretary of Defense shall establish essential management goals of the Department of Defense, including at a minimum, the following:

(1) A comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for business support areas of the Department of Defense.

(2) A well-defined enterprise-wide business systems architecture capable of providing accurate and timely information in support of major investment decisions.

(3) Financial statements for all elements of the Department of Defense that receive clean audit opinions during independent financial audits.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide 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 this section. Matters covered in the report shall include the following:

(1) The assignment of duties relating to management as required by subsection (a).

(2) Progress toward implementing a management structure for the Department of Defense as required by subsection (b).

(3) A description of the essential management goals of the Department of Defense established pursuant to subsection (c).

(4) A description of Department of Defense efforts to achieve its essential management goals as described pursuant to paragraph (3).

SEC. 907. ACQUISITION PARITY FOR SPECIAL OPERATIONS COMMAND.

(a) REVISION IN GUIDANCE REGARDING EXERCISE OF ACQUISITION AUTHORITY BY COMMANDERS OF COMBATANT COMMANDS.—Subparagraph (B) of section 905(b)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking ''and mutually supportive of'' .

(b) REVISION IN CONSULTATION REQUIREMENT.—Section 905(c) of such Act is amended by striking ''and the heads of Defense agencies referred to in that subsection'' and inserting the following: '', and ensure that the use of the acquisition authority by the heads of Defense Agencies referred to in that subsection is mutually supportive of acquisition programs of the military departments''.

SEC. 908. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—There is established in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the ''Board'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of three members who shall be appointed by the President from among qualified professional actuaries who are members of the Society of Actuaries.

(2) TERMS.—(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall serve only until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the President.

(B) The three current members of the Department of Defense Retirement Board of Actuaries and the Department of Defense Education Benefits Board of Actuaries shall serve the remainder of their existing terms as members of the Board pursuant to subparagraph (A).

(C) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, United States Code, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

(c) REPORT.—The Board shall report to the Secretary of Defense annually on the actuarial status of the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code, and the Department of Defense Education Benefits Fund established by section 2006 of title 10, and shall furnish its advice and opinion on matters referred to it by the Secretary.

(d) RECORDS.—The Secretary shall keep, or cause to be kept, such records as necessary for determining the actuarial status of the Funds.

(e) DOD EDUCATION BENEFITS FUND.—The Board shall review valuations of the Department of Defense Education Benefits Fund under section 2006(f) of title 10, United States Code, and shall recommend to the President and thereafter to Congress such changes as in the Board's judgment are appropriate and necessary to protect the public interest and maintain the Department of Defense Education Benefits Fund on a sound actuarial basis.

(f) DOD MILITARY RETIREMENT FUND.—The Board shall review valuations of the Department of Defense Military Retirement Fund under section 1465(c) of title 10, United States Code, and shall report periodically, not less than once every four years, to the President and thereafter to Congress on the status of the Department of Defense Military Retirement Fund. The Board shall include in such report recommendations for such changes as in the Board's judgment are appropriate and necessary to protect the public interest and maintain the Department of Defense Military Retirement Fund on a sound actuarial basis.

(g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 1464 of title 10, United States Code, is repealed.

(2) Section 2006 of title 10 is amended by striking subsection (e).

(h) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 74 of title 10, United States Code, is amended by striking the item relating to section 1464.

(2) Section 1175(h)(4) of such title is amended by striking ''Retirement'' the first place it appears.

(3) Section 1460(b) of such title is amended by striking ''Retirement''.

(4) Section 1466(c)(3) of such title is amended by striking ''Retirement''.

(5) Section 12521(6) of such title is amended by striking ''Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title'' and inserting ''Department of Defense Board of Actuaries''.

Subtitle B—Space Activities

SEC. 911. SPACE PROTECTION POLICY AND STRATEGY.

(a) POLICY.—It is the policy of the United States that the Secretary of Defense accord, after the date of the enactment of this Act, a greater priority within the Nation's space programs to the protection of national security space systems than the Secretary has accorded before the date of the enactment of this Act.

(b) STRATEGY.—The Secretary of Defense shall develop a strategy, to be known as the Space Protection Strategy, for the development and fielding by the United States of the space capabilities that are necessary to ensure freedom of action in space for the United States.

(c) MATTERS INCLUDED.—The strategy required by subsection (b) shall include each of the following:

(1) An identification of the threats to, and the vulnerabilities of, the national security space systems of the United States.

(2) A description of the systems currently contained in the program of record of the Department of Defense that provide space capabilities.

(3) For each period covered by the strategy, a description of the space capabilities that are needed for the period, and the space capabilities that are desired for the period, including—

(A) the hardware, software, and other materials or services to be developed or procured;

(B) the management and organizational changes to be achieved; and

(C) concepts of operations, tactics, techniques, and procedures to be employed.

(4) For each period covered by the strategy, an assessment of the gaps and shortfalls between the space capabilities that are needed for the period (and the space capabilities that are desired for the period) and the space capabilities currently contained in the program of record.

(5) For each period covered by the strategy, a comprehensive plan for investment in space capabilities that identifies specific program and technology investments to be made in that period.

(6) A description of the current processes by which the requirements of the Department of Defense for space systems protection are addressed in space acquisition programs and during key milestone decisions, an assessment of the adequacy of those processes, and an identification of the actions of the Department for addressing any inadequacies in those processes.

(7) A description of the current processes by which the Department of Defense program and budget for space systems protection capabilities (including capabilities that are incorporated into single programs and capabilities that span multiple programs), an assessment of the adequacy of those processes, and an identification of the actions of the Department for addressing any inadequacies in those processes.

(8) A description of the organizational and management structure of the Department of Defense for addressing policy, planning, acquisition, and operations with respect to space capabilities, a description of the roles and responsibilities of each organization, and an identification of the actions of the Department for addressing any inadequacies in that structure.

(d) PERIODS COVERED.—The strategy required by subsection (b) shall cover the following periods:

(1) Fiscal years 2008 through 2013.

(2) Fiscal years 2014 through 2019.

(3) Fiscal years 2020 through 2025.

(e) SPACE CAPABILITIES DEFINED.—In this section, the term ''space capabilities'' means capabilities, consistent with international law and treaties, for space situational awareness and for space systems protection.

(f) REPORT; BIENNIAL UPDATE.—

(1) REPORT.—Not later than March 15, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy required by subsection (b), including each of the matters required by subsection (c).

(2) BIENNIAL UPDATE.—Not later than March 15 of each even-numbered year after 2008, the Secretary shall submit to the committees referred to in paragraph (1) an update to the report required by paragraph (1).

(3) CLASSIFICATION.—The report required by paragraph (1), and each update required by paragraph (2), shall be in unclassified form, but may include a classified annex.

(g) CONFORMING REPEAL.—Section 911 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3405; 10 U.S.C. 2271 note) is repealed.

SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE CADRE WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 490. Space cadre management: biennial report

''(a) REQUIREMENT.—The Secretary of Defense and each Secretary of a military department shall develop metrics and use these metrics to identify, track, and manage space cadre personnel within the Department of Defense to ensure the Department has sufficient numbers of personnel with the expertise, training, and experience to meet current and future national security space needs.

''(b) BIENNIAL REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and every even-numbered year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the space cadre.

''(2) MATTERS INCLUDED.—The report required by paragraph (1) shall include—

''(A) the number of active duty, reserve duty, and government civilian space-coded billets that—

''(i) are authorized or permitted to be maintained for each military department and defense agency;

''(ii) are needed or required for each military department and defense agency for the year in which the submission of the report is required; and

''(iii) are needed or required for each military department and defense agency for each of the five years following the date of the submission of the report;

''(B) the actual number of active duty, reserve duty, and government civilian personnel that are coded or classified as space cadre personnel within the Department of Defense, including the military departments and defense agencies;

''(C) the number of personnel recruited or hired as accessions to serve in billets coded or classified as space cadre personnel for each military department and defense agency;

''(D) the number of personnel serving in billets coded or classified as space cadre personnel that discontinued serving each military department and defense agency during the preceding calendar year, categorized by rationale provided for discontinuing service;

''(E) for each of the reporting requirements in subparagraphs (A) through (D), further classification of the number of personnel by—

''(i) space operators, acquisition personnel, engineers, scientists, program managers, and other space-related areas identified by the Department;

''(ii) expertise or technical specialization area—

''(I) such as communications, missile warning, spacelift, and any other space-related specialties identified by the Department or classifications used by the Department; and

''(II) consistent with section 1721 of this title for acquisition personnel;

''(iii) rank for active duty and reserve duty personnel and grade for government civilian personnel;

''(iv) qualification, expertise, or proficiency level consistent with service and agency-defined qualification, expertise, or proficiency levels; and

''(v) any other such space-related classification categories used by the Department or military departments; and

''(F) any other metrics identified by the Department to improve the identification, tracking, training, and management of space cadre personnel.

''(3) ASSESSMENTS.—The report required by paragraph (1) shall also include the Secretary's assessment of the state of the Department's space cadre, the Secretary's assessment of the space cadres of the military departments, and a description of efforts to ensure the Department has a space cadre sufficient to meet current and future national security space needs.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''490. Space cadre management: biennial report.''.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) FUNCTIONS.—Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) in each of subsections (b) and (f), by striking ''Assistant Secretary of the Army (Research, Development and Acquisition)'' and inserting ''Assistant Secretary of the Army (Acquisition, Logistics, and Technology)''; and

(2) in subsection (g), by striking ''Assistant Secretary of the Army (Research, Development, and Acquisition)'' and inserting ''Assistant Secretary of the Army (Acquisition, Logistics, and Technology)''.

(b) TERMINATION.—Such section is further amended in subsection (h) by striking ''after the stockpile located in that commission's State has been destroyed'' and inserting ''after the closure activities required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in the commission's State, or upon the request of the Governor of the commission's State, whichever occurs first''.

SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), originally required that destruction of the entire United States chemical weapons stockpile be completed by April 29, 2007, and then subsequently extended five years to April 29, 2012.

(2) Destroying existing chemical weapons is a homeland security imperative and an arms control priority and is required by United States law.

(3) The program met its one percent and 20 percent destruction deadlines early, and is working towards its 45 percent destruction milestone date of December 31, 2007, as extended.

(4) The mission of the Assembled Chemical Weapons Alternatives (ACWA) program, established in the Department of Defense by Congress in 1997, is to safely destroy the chemical weapons stockpiles located at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, through the demonstration of systems employing alternative technologies to the incineration process.

(5) Current ACWA plans call for the use of neutralization followed by on-site biotreatment of aqueous secondary wastes to destroy the Pueblo stockpile, and the use of neutralization followed by on-site supercritical water oxidation treatment of aqueous secondary wastes to destroy the Blue Grass stockpile.

(6) Affected communities in Colorado and Kentucky, represented respectively by the Colorado Chemical Demilitarization Citizens' Advisory Commission (CO CAC) and the Chemical Destruction Community Advisory Board (CDCAB), have made clear their preference for on-site treatment of aqueous secondary wastes over off-site treatment.

(7) Section 921(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2359) contained a Sense of Congress urging the Secretary of Defense to ensure the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

(8) Section 921(b)(4) of that Act contained a Sense of Congress urging the Secretary of Defense to propose a credible treatment and disposal process with the support of affected communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress the Department of Defense should—

(1) continue with its plan for on-site disposal of the ACWA-managed stockpiles located at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky; and

(2) ensure that extensive consultation and notification processes exist between representatives of the Department of Defense and representatives of the relevant States and local communities.

Subtitle D—Intelligence-Related Matters

SEC. 931. REPORTS ON FOREIGN LANGUAGE PROFICIENCY.

(a) IN GENERAL.—

(1) FOREIGN LANGUAGE PROFICIENCY REPORTS.—Chapter 23 of title 10, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

"§ 491. Foreign language proficiency: annual reports

''(a) IN GENERAL.—The Secretary of each military department shall annually submit to the Secretary of Defense a report on the foreign language proficiency of the personnel of the military department concerned.

''(b) CONTENTS.—Each report submitted under subsection (a) shall include, for each foreign language and, where appropriate, dialect of a foreign language—

''(1) the number of positions of the military department concerned that require proficiency in the foreign language or dialect;

''(2) the number of personnel of the military department that are serving in a position that—

''(A) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

''(B) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(3) the number of personnel that are proficient in the foreign language or dialect that—

''(A) are authorized for the military department for which the report is submitted; and

''(B) the Secretary of the military department concerned considers necessary for the military department concerned for each of the five years following the date of the submission of the report;

''(4) the number of personnel of the military department concerned rated at each level of proficiency of the Interagency Language Roundtable;

''(5) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of the military department concerned;

''(6) the number of personnel serving or hired to serve as linguists for the military department concerned that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(7) the number of personnel hired to serve as linguists for the military department concerned during the preceding calendar year;

''(8) the number of personnel serving as linguists that discontinued serving the military department concerned during the preceding calendar year;

''(9) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

''(10) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

''(11) the percentage of work requiring linguistic skills that is fulfilled by personnel of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) that are not members of the armed forces on active duty assigned to the military department for which the report is submitted.

''(c) SECRETARY OF DEFENSE REPORT TO CONGRESS.—The Secretary of Defense shall annually submit to the congressional defense committees a report containing—

''(1) each report submitted to the Secretary of Defense for a year under subsection (a);

''(2) for each foreign language and, where appropriate, dialect of a foreign language—

''(A) the number of positions of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that require proficiency in the foreign language or dialect;

''(B) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are serving in a position that—

''(i) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

''(ii) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are proficient in the foreign language or dialect that—

''(i) are authorized for the Department of Defense, but not under the jurisdiction of the Secretary of a military department; and

''(ii) the Secretary of Defense considers necessary for the Department of Defense (excluding personnel under the jurisdiction of the Secretary of a military department) for each of the five years following the date of the submission of the report;

''(D) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of the Department of Defense;

''(F) the number of personnel serving or hired to serve as linguists for the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired during the preceding calendar year to serve as linguists for the Department of Defense that are not under the jurisdiction of the Secretary of a military department;

''(H) the number of personnel not under the jurisdiction of the Secretary of a military department serving as linguists that discontinued serving the Department of Defense during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

''(K) the percentage of work requiring linguistic skills that is fulfilled by personnel of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) that are not members of the armed forces on active duty assigned to the military department for which the report is submitted; and

''(3) an assessment of the foreign language capacity and capabilities of the Department of Defense as a whole.

''(d) NON-MILITARY PERSONNEL.—

''(1) SECRETARY OF MILITARY DEPARTMENT REPORTS.—Except as provided in subsection (a)(11), a report submitted under subsection (a) shall cover only members of the armed forces on active duty assigned to the military department concerned.

''(2) SECRETARY OF DEFENSE REPORTS.—Except as provided in subsection (c)(2)(K), a report submitted under subsection (c) shall cover only members of the armed forces on active duty assigned to the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''491. Foreign language proficiency: annual reports.''.

(b) EFFECTIVE DATE.—

(1) INITIAL REPORT BY SECRETARY OF EACH MILITARY DEPARTMENT.—The first report required to be submitted by the Secretary of each military department under section 491(a) of title 10, United States Code, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) INITIAL REPORT BY SECRETARY OF DEFENSE.—The first report required to be submitted by the Secretary of Defense under section 491(c) of title 10, United States Code, as added by subsection (a), shall be submitted not later than 240 days after the date of the enactment of this Act.

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 in the following provisions and inserting ''Director of National Intelligence'':

(1) Section 192(c)(2).
(2) Section 193(d)(2).
(3) Section 193(e).
(4) Section 201(a).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 426(a)(3).
(8) Section 426(b)(2).
(9) Section 441(c).
(10) Section 441(d).
(11) Section 443(d).
(12) Section 2273(b)(1).
(13) Section 2723(a).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Such title is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of the Central Intelligence Agency'':

(1) Section 431(b)(1).
(2) Section 444.
(3) Section 1089(g).

(c) OTHER AMENDMENTS.—

(1) SUBSECTION HEADINGS.—

(A) SECTION 441(c).—The heading of subsection (c) of section 441 of such title is amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''.

(B) SECTION 443(d).—The heading of subsection (d) of section 443 of such title is amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''.

(2) SECTION 201.—Section 201 of such title is further amended—

(A) in subsection (b)(1), to read as follows:

''(1) In the event of a vacancy in a position referred to in paragraph (2), before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy, the Secretary of Defense shall obtain the concurrence of the Director of National Intelligence as provided in section 106(b) of the National Security Act of 1947 (50 U.S.C. 403–6(b)).''; and

(B) in subsection (c)(1), by striking ''National Foreign Intelligence Program'' and inserting ''National Intelligence Program''.

Subtitle E—Roles and Missions Analysis

SEC. 941. ANALYSIS AND ORGANIZATION OF ROLES AND MISSIONS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR QUADRENNIAL ROLES AND MISSIONS REVIEW.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118a the following new section:

"§ 118b. Quadrennial roles and missions review

''(a) REVIEW REQUIRED.—(1) The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the 'quadrennial roles and missions review') of the roles and missions of the Department of Defense. Each such quadrennial roles and missions review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

''(b) CONDUCT OF REVIEW.—Each quadrennial roles and missions review shall be conducted so as—

''(1) to organize the significant missions of the Department of Defense into core mission areas that cover broad areas of military activity, such

as dominance of ground, air, maritime, and space environments; expeditionary warfare; mobility; homeland defense; and cyberoperations; and

''(2) to ensure that the core mission areas are defined so that the areas are mutually supportive but with as little overlap in functions as is necessary.

''(c) SUBMISSION TO CONGRESSIONAL COMMITTEES.—(1) The Secretary shall submit a report on each quadrennial roles and missions review to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(2) The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 118a the following new item:

''118b. Quadrennial roles and missions review.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 118(e) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) DEADLINE FOR FIRST ROLES AND MISSIONS REVIEW.—The first roles and missions review under section 118b of title 10, United States Code, as added by subsection (a), shall be performed and completed during 2008.

SEC. 942. IDENTIFICATION OF CORE COMPETENCIES OF THE MILITARY DEPARTMENTS AND OTHER ENTITIES WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) REQUIREMENT.—Chapter 3 of title 10, United States Code, is amended by inserting after section 125 the following new section:

''§ 125a. Core competencies

''(a) REQUIREMENT TO IDENTIFY CORE COMPETENCIES.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall identify core competencies for each of the following:

''(1) Each military department.

''(2) The Office of the Secretary of Defense.

''(3) Each Defense Agency.

''(4) Each Department of Defense Field Activity.

''(5) Each combatant command with acquisition authority.

''(b) BASIS OF COMPETENCIES.—In identifying the core competencies of an entity listed in subsection (a), the Secretary of Defense shall—

''(1) ensure that each core competency is clearly associated with a core mission area of the Department of Defense (as identified pursuant to the quadrennial roles and missions review under section 118b of this title); and

''(2) base such identification on the ability of an entity to provide doctrinal, organizational, training, materiel, leadership, personnel, and facilities solutions to meet requirements within a core mission area of the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''125a. Core competencies.''.

(b) REPORT ON CORE COMPETENCIES.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the core competencies identified under section 125a of title 10, United States Code, as added by subsection (a), not later than the date on which the budget for fiscal year 2009 is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SEC. 943. REVIEW OF CAPABILITIES OF THE MILITARY DEPARTMENTS AND OTHER ENTITIES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the capabilities that each of the following entities is performing or developing:

(1) Each military department.

(2) The Office of the Secretary of Defense.

(3) Each Defense Agency.

(4) Each Department of Defense Field Activity.

(5) Each combatant command with acquisition authority.

(b) MATTERS COVERED.—In conducting the review, the Secretary of Defense—

(1) shall determine whether any such capabilities are outside the entity's core competencies (as identified under section 125a of this title) or outside a core mission area of the Department of Defense (as identified pursuant to the quadrennial roles and missions review under section 118b of this title);

(2) shall determine whether any core competencies required to effectively perform the core mission areas of the Department of Defense are not being performed or developed in any entity listed in subsection (a); and

(3) shall determine whether there is any duplication of a capability within a core mission area, and provide a justification for such duplication.

(c) REPORT TO CONGRESS; LIMITATION.—Not later than June 1, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review. No new major defense acquisition programs may be started in the Department of Defense after June 1, 2009, until the report has been submitted to such committees.

SEC. 944. JOINT REQUIREMENTS OVERSIGHT COUNCIL ADDITIONAL DUTIES RELATING TO CORE MISSION AREAS.

(a) REVISIONS IN MISSION.—

(1) REVISIONS.—Subsection (b) of section 181 of title 10, United States Code, is amended to read as follows:

''(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

''(1) assist the Chairman of the Joint Chiefs of Staff—

''(A) in identifying, assessing, and approving joint military requirements (including existing systems and equipment) to meet the national military strategy; and

''(B) in identifying the core mission area associated with each such requirement;

''(2) assist the Chairman in establishing and assigning priority levels for joint military requirements;

''(3) assist the Chairman in estimating the level of resources required in the fulfillment of each joint military requirement and in ensuring that such resource level is consistent with the level of priority assigned to such requirement; and

''(4) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet joint military requirements by evaluating the cost, schedule, and performance criteria of each alternative and of the identified program.''.

(2) DEFINITIONS.—Section 181 of such title is amended by adding at the end the following new subsection:

''(e) DEFINITIONS.—In this section:

''(1) The term 'joint military requirement' means a capability necessary to fulfill a gap in a core mission area of the Department of Defense.

''(2) The term 'core mission area' means a core mission area of the Department of Defense identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.''.

(b) ADDITIONAL MEMBERS OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraphs:

''(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

''(C) the Under Secretary of Defense (Comptroller);''.

(c) ORGANIZATION.—Section 181 of such title is amended—

(1) by redesignating subsections (d) and (e) (as added by subsection (a)) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ORGANIZATION.—The Joint Requirements Oversight Council shall organize its activities according to the core missions areas of the Department of Defense. In any review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.''.

(d) DEADLINES.—Effective June 1, 2009, all joint military requirements documents of the Joint Requirements Oversight Council produced to carry out its mission under section 181(b)(1) of title 10, United States Code, shall conform to the core mission areas organized and defined under section 118b of such title. Not later than October 1, 2009, all such documents produced before June 1, 2009, shall conform to such structure.

(e) REVISED FUNCTION OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4)(F) of title 10, United States Code, is amended by striking ''Assessing military requirements for defense acquisition programs.'' and inserting ''Advising the Secretary on the effective and efficient coordination of all military requirements for defense acquisition programs.''.

SEC. 945. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) REQUIREMENT FOR CERTIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366a the following new section:

''§ 2366b. Major systems: requirement for Joint Requirements Oversight Council certification

''(a) CERTIFICATION.—Before the start of technology development for a major system, the Joint Requirements Oversight Council shall certify—

''(1) that the system fulfills an approved initial capabilities document;

''(2) that the system is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 125a of this title;

''(3) if the system duplicates a capability already provided by an existing system, the duplication provided by such system is necessary and appropriate; and

''(4) that a cost estimate for the system has been submitted and that the level of resources required to develop and procure the system is consistent with the level of resources estimated by the Joint Requirements Oversight Council for the initial capabilities document identified under paragraph (1).

''(b) NOTIFICATION.—With respect to a major system certified by the Joint Requirements Oversight Council under subsection (a), if the projected cost of the system, at any time prior to Milestone B approval, exceeds the cost estimate for the system submitted to the Council at the time of the certification by at least 25 percent, the Secretary of the military department concerned, or in the case of Office of the Secretary of Defense, a Defense Agency, or a Department of Defense Field Activity, the Secretary of Defense, shall notify the Joint Requirements Oversight Council. Upon receipt of such notification, the Council shall consider whether to recommend that the program be continued or that the program be terminated.

'' (c) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning provided in section 2302(5) of this title.

''(2) The term 'initial capabilities document' means any capabilities requirement document approved by the Joint Requirements Oversight Council that establishes the need for a materiel approach to resolve a capability gap.

''(3) The term 'technology development program' means a coordinated effort to assess technologies and refine user performance parameters to fulfill a capability gap identified in an initial capabilities document.

''(4) The term 'entity' means an entity listed in section 125a(a) of this title.

''(5) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2366b. Major systems: requirement for Joint Requirements Oversight Council certification.''.

(b) EFFECTIVE DATE.—Section 2366b of title 10, United States Code, as added by subsection (a), shall apply to major systems on and after March 1, 2008.

SEC. 946. PRESENTATION OF FUTURE-YEARS MISSION BUDGET BY CORE MISSION AREA.

(a) TIME OF SUBMISSION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(a) of title 10, United States Code, is amended to read as follows: ''That budget shall be submitted for any fiscal year with the future-years defense program submitted under section 221 of this title.''.

(b) ORGANIZATION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(b) of such title is amended by striking ''on the basis'' and all that follows through the end of the sentence and inserting the following: ''on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.

SEC. 947. FUTURE CAPABILITY PLANNING BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) REQUIREMENT FOR EXTENDED PLANNING ANNEXES.—Section 181 of title 10, United States Code, as amended by this subtitle, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FUTURE CAPABILITY PLANNING.—(1)(A) The Secretary of Defense shall direct the commanders of combatant commands to prepare extended planning annexes to all operational and contingency plans. Each extended planning annex shall—

''(i) include the commander's assessment of the capabilities needed to successfully accomplish the missions for which the operational and contingency plans were created;

''(ii) use a 15-year planning horizon and take into account expected changes in threats, the geopolitical environment, and doctrine, training, and operational concepts; and

''(iii) provide capability assessments for the year in which the annex is submitted and for the 5th, 10th, and 15th years after such year.

''(B) The extended planning annexes shall be submitted to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff biannually.

''(2) The Joint Requirements Oversight Council shall—

''(A) in consultation with the office responsible for program analysis and evaluation within the Office of the Secretary of Defense and the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, match—

''(i) the capabilities that are expected to be provided by the acquisition programs in existence during the period covered by the most recent extended planning annexes, including classified and compartmentalized programs, and the science and technology programs in existence during that period, with

''(ii) capability needs identified in the extended planning annexes prepared under paragraph (1);

''(B) in coordination with the commanders of the combatant commands, and within 30 days after submission of the extended planning annexes, identify gaps in capabilities not likely to be closed by existing acquisition programs and science and technology programs described in subparagraph (A)(i), assign priorities for addressing such gaps, and identify areas where such programs are expected to provide capability beyond that which is required; and

''(C) develop a plan for the Department of Defense to acquire needed joint capabilities and divest itself of unneeded capabilities, based on the extended planning annexes prepared under paragraph (1).

''(3) In this subsection, the term 'operational and contingency plans' means plans prepared by a commander of a combatant command to carry out missions assigned to the command under section 164 of this title.''.

(b) DEADLINE FOR FIRST EXTENDED PLANNING ANNEXES.—The first extended planning annexes under section 181(f) of title 10, United States Code, as added by subsection (a), shall be submitted under that section not later than 90 days after the date of the enactment of this Act.

Subtitle F—Other Matters

SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

''(A) to assess the risks of projected climate change to current and future missions of the armed forces;

''(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

''(C) to develop the capabilities needed to reduce future impacts.

''(2) The first quadrennial defense review prepared after the date of the enactment of this subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

''(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

''(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

''(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

''(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

''(4) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).''.

SEC. 952. INTERAGENCY POLICY COORDINATION.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to Congress a plan to to improve and reform the interagency coordination process on national security issues.

(b) ELEMENTS.—The elements of the plan shall include the following:

(1) Assigning either the Under Secretary of Defense for Policy or another official to be the lead policy official for improving and reforming the interagency coordination process on national security issues for the Department of Defense, with an explanation of any decision to name an official other than the Under Secretary and the relative advantages and disadvantages of such decision.

(2) Giving the official assigned under paragraph (1) the following responsibilities:

(A) To be the lead person at the Department of Defense for the development of policy affecting the national security interagency process.

(B) To serve, or designate a person to serve, as the representative of the Department of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

(C) To advocate, on behalf of the Secretary, for greater interagency coordination and contributions in the execution of the National Security Strategy and particularly specific operational objectives undertaken pursuant to that strategy.

(D) To make recommendations to the Secretary of Defense on changes to existing Department of Defense regulations or laws to improve the interagency process.

(E) To serve as the coordinator for all planning and training assistance that is—

(i) designed to improve the interagency process or the capabilities of other agencies to work with the Department of Defense; and

(ii) provided by the Department of Defense at the request of other agencies.

(F) To serve as the lead official in Department of Defense for the development of deployable joint interagency task forces.

(c) FACTORS TO BE CONSIDERED.—In drafting the plan, the Secretary of Defense shall also consider the following factors:

(1) How the official assigned under subsection (b)(1) shall provide input to the Secretary of Defense on an ongoing basis on how to incorporate the need to coordinate with other agencies into the establishment and reform of combatant commands.

(2) How such official shall develop and make recommendations to the Secretary of Defense on a regular or an ongoing basis on changes to military and civilian personnel to improve interagency coordination.

(3) How such official shall work with the combatant command that has the mission for joint warfighting experimentation and other interested agencies to develop exercises to test and validate interagency planning and capabilities.

(4) How such official shall lead, coordinate, or participate in after-action reviews of operations, tests, and exercises to capture lessons learned regarding the functioning of the interagency process and how those lessons learned will be disseminated.

(5) The role of such official in ensuring that future defense planning guidance takes into account the capabilities and needs of other agencies.

(d) RECOMMENDATION ON CHANGES IN LAW.—The Secretary of Defense may submit with the

plan or with any future budget submissions recommendations for any changes to law that are required to enhance the ability of the official assigned under subsection (b)(1) in the Department of Defense to coordinate defense interagency efforts or to improve the ability of the Department of Defense to work with other agencies.

(e) ANNUAL REPORT.—If an official is named by the Secretary of Defense under subsection (b)(1), the official shall annually submit to Congress a report, beginning in the fiscal year following the naming of the official, on those actions taken by the Department of Defense to enhance national security interagency coordination, the views of the Department of Defense on efforts and challenges in improving the ability of agencies to work together, and suggestions on changes needed to laws or regulations that would enhance the coordination of efforts of agencies.

(f) DEFINITION.—In this section, the term ''interagency coordination'', within the context of Department of Defense involvement, means the coordination that occurs between elements of the Department of Defense and engaged Federal Government agencies for the purpose of achieving an objective.

(g) CONSTRUCTION.—Nothing in this provision shall be construed as preventing the Secretary of Defense from naming an official with the responsibilities listed in subsection (b) before the submission of the report required under this section.

SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE UNDER SERVICE AGREEMENTS UNDER NATIONAL SECURITY EDUCATION PROGRAM.

Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902), as most recently amended by section 945 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2367), is amended—

(1) in subparagraph (A)—

(A) in clause (i) by striking ''or'' at the end; and

(B) by adding at the end the following:

''(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or''; and

(2) in subparagraph (B)—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and''.

SEC. 954. STUDY OF NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense may enter into an agreement with an independent, nonprofit, nonpartisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes).

(c) SUBMISSION DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (b) not later than 180 days after the date on which the Secretary makes funds appropriated pursuant to section 301(5) available to the organization.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term ''national security interagency system'' means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(5), not more than $4,000,000 shall be available to carry out this section.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2008.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Limitation on leasing of foreign-built vessels.
Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Subtitle D—Reports

Sec. 1031. Extension and modification of report relating to hardened and deeply buried targets.
Sec. 1032. Comptroller General review of the Joint Improvised Explosive Device Defeat Organization.
Sec. 1033. Report on a national joint modeling and simulation development strategy.

Subtitle E—Other Matters

Sec. 1041. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 1042. Support by National Guard for national special security events and other critical national security activities.
Sec. 1043. Improved authority to provide rewards for assistance in combating terrorism.
Sec. 1044. Revision of proficiency flying definition.
Sec. 1045. Support for non-Federal development and testing of material for chemical agent defense.
Sec. 1046. Congressional Commission on the Strategic Posture of the United States.
Sec. 1047. Technical and clerical amendments.
Sec. 1048. Repeal of certification requirement.
Sec. 1049. Prohibition on sale by Department of Defense of parts for F–14 fighter aircraft.
Sec. 1050. Maintenance of capability for space-based nuclear detection.
Sec. 1051. Additional weapons of mass destruction civil support teams.
Sec. 1052. Sense of Congress regarding need to replace Army M109 155mm self-propelled howitzer.
Sec. 1053. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
Sec. 1054. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.

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 2008 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 $4,500,000,000.

(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).

(e) PROHIBITION ON TRANSFERS FROM GUARD AND RESERVE ACCOUNTS.—Funds authorized in this division for an account of the National Guard or other reserve components of the Armed Forces may not be a source of funds for transfer to a different account other than another account of the National Guard or other reserve component.

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on

the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—

(1) CONTRACTS FOR LEASES FOR MORE THAN 24 MONTHS.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

"§ 2401b. Limitation on lease of foreign-built vessels

''(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Limitation on lease of foreign-built vessels.''.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

(a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is the policy of the United States to construct the major combatant vessels of the strike forces of the United States Navy, including all new classes of such vessels, with integrated nuclear power systems.

(b) REQUIREMENT TO REQUEST NUCLEAR VESSELS.—If a request is submitted to Congress in the budget for a fiscal year for construction of a new class of major combatant vessel for the strike forces of the United States, the request shall be for such a vessel with an integrated nuclear power system, unless the Secretary of Defense submits with the request a notification to Congress that the inclusion of an integrated nuclear power system in such vessel is not in the national interest.

(c) DEFINITIONS.—In this section:

(1) MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.—The term ''major combatant vessels of the strike forces of the United States Navy'' means the following:

(A) Submarines.

(B) Aircraft carriers.

(C) Cruisers, battleships, or other large surface combatants whose primary mission includes protection of carrier strike groups, expeditionary strike groups, and vessels comprising a sea base.

(2) INTEGRATED NUCLEAR POWER SYSTEM.—The term ''integrated nuclear power system'' means a ship engineering system that uses a naval nuclear reactor as its energy source and generates sufficient electric energy to provide power to the ship's electrical loads, including its combat systems and propulsion motors.

(3) BUDGET.—The term ''budget'' means the budget that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking ''and 2007'' and inserting ''through 2008''.

Subtitle D—Reports

SEC. 1031. EXTENSION AND MODIFICATION OF REPORT RELATING TO HARDENED AND DEEPLY BURIED TARGETS.

Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

*(1) in the heading, by striking ''**ANNUAL REPORT ON WEAPONS**'' and inserting ''**REPORT ON CAPABILITIES**'';*

(2) in subsection (a)—

(A) in the heading, by striking ''ANNUAL'';

(B) by striking ''April 1 of each year'' and inserting ''March 1, 2009, and every two years thereafter,'';

(C) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(D) by striking ''the preceding fiscal year'' and inserting ''the preceding two fiscal years and planned for the current fiscal year and the next fiscal year''; and

(E) by striking ''to develop weapons'' and inserting ''to develop capabilities'';

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The report for a fiscal year'' and inserting ''A report submitted'';

(B) in paragraph (1), by striking ''were undertaken during that fiscal year'' and inserting ''were or will be undertaken during the four-fiscal-year period covered by the report''; and

(C) in paragraph (2) in the matter preceding subparagraph (A), by striking ''were undertaken during such fiscal year'' and inserting ''were or will be undertaken during the four-fiscal-year period covered by the report''; and

(4) in subsection (d), by striking ''April 1, 2007'' and inserting ''March 1, 2013''.

SEC. 1032. COMPTROLLER GENERAL REVIEW OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.

(a) EVALUATION REQUIRED.—The Comptroller General of the United States shall conduct a review of the Joint Improvised Explosive Device Defeat Organization and its activities.

(b) ANALYSES REQUIRED.—The review required by subsection (a) shall include an analysis of each of the following:

(1) The appropriateness and efficacy of the efforts of the Organization to achieve its mission, including strategy, plans, technologies developed, and programs funded.

(2) The process used by the Organization to select appropriate and effective technologies and other solutions to achieve its mission.

(3) The ability of the Organization to respond to rapidly changing threats and to anticipate future threats.

(4) The performance of the Organization in leading, advocating, and coordinating all of the activities of the Department of Defense to defeat improvised explosive devices and an assessment of the Organization's authority to do so.

(5) The appropriateness of the staff of the Organization, including the number, qualifications, and functions of the personnel of the Organization and the use of contractors in the Organization.

(6) The efforts of the Organization to target enemy networks and how the Organization is leveraging and coordinating such efforts with the efforts of other elements of the Department, and other elements of the United States Government, that are also targeting enemy networks.

(7) The feedback from the warfighter with respect to the efforts of the Organization.

(c) REPORT.—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 results of the review required by subsection (a). The report shall contain a summary of the findings of the review.

SEC. 1033. REPORT ON A NATIONAL JOINT MODELING AND SIMULATION DEVELOPMENT STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report that would provide for the development and implementation of a joint modeling and simulation concept to support the full spectrum of Department of Defense modeling and simulation requirements and that outlines a plan that details the Department's modeling and simulation coordination efforts. Such a plan shall—

(1) identify the unique modeling and simulation capabilities of the components of the Department and the Combatant Commands;

(2) identify incentives to reduce duplicative modeling and simulation capabilities of the components of the Department and the Combatant Commands and recommend capabilities to be divested where such duplication is not necessary;

(3) recommend capabilities to be leveraged from within other Federal agencies, national laboratories, State and local governments, academia, private industry, and United States and international standards organizations; and

(4) be capable of supporting joint training, experimentation, systems acquisition, test and evaluation, assessment, and planning.

(b) SUBMISSION OF REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit the report under subsection (a).

(c) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An identification and description of the types of joint training, experimentation, systems acquisition, test and evaluation, assessment, and planning that would be conducted using such a joint capability, together with a description of how such a joint capability would enhance accomplishment of the four priorities as focus of the 2006 Quadrennial Defense Review (QDR) Report of the Secretary of Defense issued on February 6, 2006.

(2) A discussion of how establishment of such a joint capability would promote modeling and simulation innovation and transformation throughout the Department of Defense to improve operational capabilities and enhance national security.

(3) A methodology, framework, and options that include consideration of leveraging existing capabilities that would accommodate requirements among all the Armed Forces, including common infrastructure and data.

(4) A management plan for coordinating between functional and organizational stakeholders, as well as a plan to continuously introduce new modeling and simulation technologies and divest outdated capabilities.

(5) Options to allow non-defense users to access such a modeling and simulation capability, as appropriate, for homeland security and consequence management for Federal, State, and local requirements.

(6) Cost estimates and resource requirements to establish and maintain such a strategy, including estimates of costs and resource requirements for the use of government civilian and military, and contract personnel for the performance of management, operational, and logistics activities for such a capability.

(7) An explanation of the relationship between and among such a capability and the Office of the Secretary of Defense, the Joint Staff, the military departments, commanders of combatant commands, Federal agencies, national laboratories, State and local governments, academia,

private industry, United States and international standards organizations, and international partners with responsibility to use modeling and simulation to meet their mission.

(8) A timeline for the establishment of such a capability and for such a capability to achieve—

(A) initial operational capability; and

(B) full operational capability.

(9) At least two alternative modeling and simulation coordination plans, including a Joint Modeling and Simulation Development Strategy, provided that such plans include the required matters in subsection (a) and subsection (c), excluding subsection (c)(8), and provided that such reports were submitted to the Secretary by a commander of a Unified Combatant Command or Service Chief.

Subtitle E—Other Matters

SEC. 1041. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—(1) Section 2228 of title 10, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§ 2228. Office of Corrosion Policy and Oversight

''(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

''(3) In order to qualify to be assigned to the position of Director, an individual shall—

''(A) have management expertise in, and professional experience with, corrosion project and policy implementation, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

''(B) have an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.

''(4) The Secretary of Defense shall designate the position of Director as a critical acquisition position under section 1733(b)(1)(C) of this title.''.

(2) Section 2228(b) of such title is amended—

(A) in paragraph (1), by striking ''official or organization designated under subsection (a)'' and inserting ''Director of Corrosion Policy and Oversight (in this section referred to as the 'Director')''; and

(B) in paragraphs (2), (3), (4), and (5), by striking ''designated official or organization'' and inserting ''Director''.

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Section 2228 of such title is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

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

''(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

''(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

''(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

''(3) interact directly with the corrosion prevention industry, trade associations, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.''.

(c) REPORT REQUIREMENT.—Section 2228 of such title is further amended by inserting after subsection (d) (as redesignated by subsection (b)) the following new subsection:

''(e) REPORT.—(1) For each budget for a fiscal year, beginning with the budget for fiscal year 2009, the Secretary of Defense shall submit, with the defense budget materials, a report on the following:

''(A) Funding requirements for the long-term strategy developed under subsection (d).

''(B) The return on investment that would be achieved by implementing the strategy.

''(C) The funds requested in the budget compared to the funding requirements.

''(D) A justification if the funding requirements are not fully funded in the budget.

''(2) Within 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

''(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

''(B) an analysis of the report required under paragraph (1).''.

(d) DEFINITIONS.—Subsection (f) of section 2228 of such title, as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

''(4) 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.

''(5) 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.''.

SEC. 1042. SUPPORT BY NATIONAL GUARD FOR NATIONAL SPECIAL SECURITY EVENTS AND OTHER CRITICAL NATIONAL SECURITY ACTIVITIES.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. Defense support of civil authorities

''(a) IN GENERAL.—At the request of a Federal department or agency head in accordance with this section, and when authorized by the Secretary of Defense, the Governor of a State may employ under this title units or members of the National Guard of that State to provide defense support of civil authorities to the requesting Federal department or agency.

''(b) ACTIVITIES INCLUDED IN DEFENSE SUPPORT OF CIVIL AUTHORITIES.—Defense support of civil authorities activities authorized by subsection (a) include support provided for national special security events and other activities determined by the Secretary of Defense as being critical to national security, including—

''(1) ground reconnaissance activities;

''(2) airborne reconnaissance activities;

''(3) logistical support;

''(4) emergency medical assistance and services;

''(5) communications services;

''(6) security assistance and services; and

''(7) air and ground transportation.

''(c) REIMBURSEMENT.—(1) Subject to the exceptions in paragraph (3), the costs incurred by the National Guard shall be reimbursed to the Department of Defense from the appropriations available to the Federal department or agency to which the support is provided. The reimbursement shall include the costs of—

''(A) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State;

''(B) the operation and maintenance of the equipment and facilities of the National Guard of that State; and

''(C) the procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

''(2) Any funds received by the Department of Defense as reimbursement for support provided by units or members of the National Guard under this section shall be credited, at the option of the Secretary of Defense, to—

''(A) the appropriation, fund, or account from which funds were expended for the support; or

''(B) the appropriate appropriation, fund, or account currently available for such purpose.

''(3) A Federal department or agency to which support is provided under this section is not required to reimburse the Department of Defense for such support if the Secretary of Defense waives reimbursement. The Secretary of Defense may waive the reimbursement requirement under this section if—

''(A) the support is provided in the normal course of military training or operations; or

''(B) the support provided results in a benefit to units or members of the National Guard providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

''(d) REQUIREMENTS FOR REQUESTS.—Requests for assistance from Federal departments or agencies under this section shall be submitted to the Secretary of Defense. Any such request shall include the following:

''(1) The specific support capability requested.

''(2) The duration of the requested support activities.

''(3) A certification that the requested support activities will be fully reimbursable.

''(4) A certification from the Governor of the State concerned that the requested support will be provided at a time when the personnel involved are not in Federal service.

''(e) CHARACTERIZATION OF SERVICE.—All duty performed under this section shall be considered to be full-time National Guard duty under section 502(f) of this title.

''(f) DURATION OF SUPPORT.—The period for which support may be provided to a Federal department or agency under this section shall be limited to 180 days. When requested by the head of a Federal department or agency, the Secretary of Defense may, with the concurrence of the Governor of the State concerned, extend the period of time for an additional 90 days to meet extraordinary circumstances.

''(g) TRAINING AND BENEFITS.—(1) A member of the National Guard performing duty under this section shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this section. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

''(2) To ensure that the use of units and personnel of the National Guard of a State for activities specified in subsection (b) does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the activities that units and personnel of the National Guard of a State may perform:

''(A) The performance of the activities may not affect adversely the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

''(B) The performance of the activities may not degrade the military skills of the members of the National Guard performing those activities.

''(h) LIMITATION ON PROVISION OF SUPPORT ACTIVITIES.—Defense support of civil authorities activities conducted under authority of this section may not be provided if the provision of such support will affect adversely the military preparedness of the United States.

''(i) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section shall be construed as a limitation on the authority of any unit of the

National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

''(2) The term 'national special security event' means an event designated as such as authorized by the President that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''116. Defense support of civil authorities.''.

(2) Section 115(i)(13) of title 10, United States Code, is amended by inserting ''or defense support of civil authorities under section 116 of such title'' after ''title 32''.

SEC. 1043. IMPROVED AUTHORITY TO PROVIDE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASED AMOUNTS.—Section 127b of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''$200,000'' and inserting ''$5,000,000'';

(2) in subsection (c)(1)(B), by striking ''$50,000'' and inserting ''$1,000,000''; and

(3) in subsection (d)(2), by striking ''$100,000'' and inserting ''$2,000,000''.

(b) INVOLVEMENT OF ALLIED FORCES.—Such section is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''United States Government personnel'' the following: '', or government personnel of allied forces participating in a combined operation with the armed forces,'';

(B) in paragraph (1), by inserting after ''armed forces'' the following: '', or of allied forces participating in a combined operation with the armed forces,''; and

(C) in paragraph (2), by inserting after ''armed forces'' the following: '', or of allied forces participating in a combined operation with the armed forces''; and

(2) in subsection (c), by adding at the end the following:

''(3)(A) Subject to subparagraphs (B) and (C), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

''(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

''(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2010.

''(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—

''(i) identify the type, amount, and recipient of the reward;

''(ii) explain the reason for making the reward; and

''(iii) assess the success of the reward in advancing the effort to combat terrorism.''.

(c) ANNUAL REPORT TO INCLUDE SPECIFIC INFORMATION ON ADDITIONAL AUTHORITY.—Section 127b of title 10, United States Code, is further amended in subsection (f)(2) by adding at the end the following new subparagraph:

''(D) Information on the implementation of paragraph (3) of subsection (c).''.

SEC. 1044. REVISION OF PROFICIENCY FLYING DEFINITION.

Subsection (c) of section 2245 of title 10, United States Code, is amended to read as follows:

''(c) In this section, the term 'proficiency flying' means flying performed under competent orders by a rated or designated member of the armed forces while serving in a non-aviation assignment or in an assignment in which skills would normally not be maintained in the performance of assigned duties.''.

SEC. 1045. SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.

(a) AUTHORITY TO PROVIDE TOXIC CHEMICALS OR PRECURSORS.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other elements of the Federal Government, may make available, to a State, a unit of local government, or a private entity incorporated in the United States, small quantities of a toxic chemical or precursor for the development or testing, in the United States, of material that is designed to be used for protective purposes.

(2) TERMS AND CONDITIONS.—Any use of the authority under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(b) PAYMENT OF COSTS AND DISPOSITION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall ensure, through the advance payment required by paragraph (2) and through any other payments that may be required, that a recipient of toxic chemicals or precursors under subsection (a) pays for all actual costs, including direct and indirect costs, associated with providing the toxic chemicals or precursors.

(2) ADVANCE PAYMENT.—In carrying out paragraph (1), the Secretary shall require each recipient to make an advance payment in an amount that the Secretary determines will equal all such actual costs.

(3) CREDITS.—A payment received under this subsection shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

(c) CHEMICAL WEAPONS CONVENTION.—The Secretary shall ensure that toxic chemicals and precursors are made available under this section for uses and in quantities that comply with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at Paris on January 13, 1993, and entered into force with respect to the United States on April 29, 1997.

(d) DEFINITIONS.—In this section, the terms ''precursor'', ''protective purposes'', and ''toxic chemical'' have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

SEC. 1046. CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Congressional Commission on the Strategic Posture of the United States''. The purpose of the commission is to examine and make recommendations with respect to the long-term strategic posture of the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 12 members appointed as follows:

(A) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Three by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three by the chairman of the Committee on Armed Services of the Senate.

(D) Three by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) IN GENERAL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission and one member to serve as vice chairman.

(B) CONSULTATION.—The designations under subparagraph (A) shall be made in consultation with the ranking minority members of the committees described in that subparagraph.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(c) DUTIES.—

(1) REVIEW.—The commission shall conduct a review of the strategic posture of the United States, including a strategic threat assessment and a detailed review of nuclear weapons policy, strategy, and force structure.

(2) ASSESSMENT AND RECOMMENDATIONS.—

(A) ASSESSMENT.—The commission shall assess the benefits and risks associated with the current strategic posture and nuclear weapons policies of the United States.

(B) RECOMMENDATIONS.—The commission shall make recommendations as to the most appropriate strategic posture and most effective nuclear weapons strategy.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of the Department of Defense, the Department of Energy, the Department of State, and the intelligence community, respectively, to serve as a liaison officer between the department (or the intelligence community, as the case may be) and the commission.

(e) REPORT.—Not later than December 1, 2008, the commission 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 a report on the commission's findings, conclusions, and recommendations. The report shall identify the strategic posture and nuclear weapons strategy recommended under subsection (c)(2)(B) and shall include—

(1) the military capabilities and force structure necessary to support the strategy, including conventional means of providing global strike capabilities;

(2) the number of nuclear weapons required to support the strategy, including the number of replacement warheads required, if any;

(3) the appropriate qualitative analysis, including force-on-force exchange modeling, to calculate the effectiveness of the strategy under various scenarios;

(4) the nuclear infrastructure (that is, the size of the nuclear complex) required to support the strategy;

(5) an assessment of the role of missile defenses in the strategy;

(6) an assessment of the role of nonproliferation programs in the strategy;

(7) the political and military implications of the strategy for the United States and its allies; and

(8) any other information or recommendations relating to the strategy (or to the strategic posture) that the commission considers appropriate.

(f) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to this Act to the Department of Defense, $5,000,000 is available to fund the activities of the commission.

(g) TERMINATION.—The commission shall terminate on June 1, 2009.

(h) CONFORMING REPEAL.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3431) is repealed.

SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Chapter 3 is amended—

(A) by redesignating the section 127c added by section 1201(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410) as section 127d and transferring that section so as to appear immediately after the section 127c added by section 1231(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3467); and

(B) by revising the table of sections at the beginning of such chapter to reflect the redesignation and transfer made by paragraph (1).

(2) Section 629(d)(1) is amended by inserting a comma after ''(a)''.

(3) Section 637(b)(3) is amended by striking ''section 1251(b)'' and inserting ''section 1253''.

(4) Section 662(b) is amended by striking ''paragraphs (1), (2), and (3) of subsection (a)'' and inserting ''paragraphs (1) and (2) of subsection (a)''.

(5) Section 1034(b)(2) is amended by inserting ''unfavorable'' before ''action'' the second place it appears.

(6) Section 1076b(j) is amended—

(A) by striking ''section 205(9)'' and inserting ''205(10)''; and

(B) by striking ''1970)'' and inserting ''1970 (title II of Public Law 91–373; 26 U.S.C. 3304 note))''.

(7) The table of sections at the beginning of chapter 137 is amended by striking the item relating to section 2333 and inserting the following new item:

''2333. Joint policies on requirements definition, contingency program management, and contingency contracting.''.

(8) The table of sections at the beginning of chapter 141 is amended by inserting a period at the end of the item relating to section 2410p.

(9) The table of sections at the beginning of chapter 152 is amended by inserting a period at the end of the item relating to section 2567.

(10) Section 2583(e) is amended by striking ''DOGS'' and inserting ''ANIMALS''.

(11) Section 2668(e) is amended by striking ''and (d)'' and inserting ''and (e)''.

(12) Section 12304(a) is amended by striking the second period at the end.

(13) Section 14310(d)(1) is amended by inserting a comma after ''(a)''.

(b) TITLE 37, UNITED STATES CODE.—Section 302c(d)(1) of title 37, United States Code, is amended by striking ''Services Corps'' and inserting ''Service Corps''.

(c) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Effective as of October 17, 2006, and as if included therein as enacted, the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 333(a) (120 Stat. 2150) is amended—

(A) by striking ''Section 332(c)'' and inserting ''Section 332''; and

(B) in paragraph (1), by inserting ''in subsection (c),'' after ''(1)''.

(2) Section 348(2) (120 Stat. 2159) is amended by striking ''60 days of'' and inserting ''60 days after''.

(3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is amended by inserting a comma after ''title''.

(4) Section 591(b)(1) (120 Stat. 2233) is amended by inserting a period after ''this title''.

(5) Section 606(b)(1)(A) (120 Stat. 2246) is amended by striking ''in'' and inserting ''In''.

(6) Section 670(b) (120 Stat. 2269) is amended by striking ''such title'' and inserting ''such chapter''.

(7) Section 673 (120 Stat. 2271) is amended—

(A) in subsection (a)(1), by inserting ''the second place it appears'' before ''and inserting'';

(B) in subsection (b)(1)—

(i) by striking ''Section'' and inserting ''Subsection (a) of section''; and

(ii) by inserting ''the second place it appears'' before ''and inserting''; and

(C) in subsection (c)(1), by inserting ''the second place it appears'' before ''and inserting''.

(8) Section 842(a)(2) (120 Stat. 2337) is amended by striking ''adding at the end'' and inserting ''inserting after the item relating to section 2533a''.

(9) Section 1017(b)(2) (120 Stat. 2379; 10 U.S.C. 2631 note) is amended by striking ''section 27'' and all that follows through the period at the end and inserting ''sections 12112 and 50501 and chapter 551 of title 46, United States Code.''.

(10) Section 1071(f) (120 Stat. 2402) is amended by striking ''identical'' both places it appears.

(11) Section 1231(d) (120 Stat. 2430; 22 U.S.C. 2776a(d)) is amended by striking ''note''.

(12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459) is amended by striking ''2906 of such Act'' and inserting ''2906A of such Act''.

(13) Section 2831 (120 Stat. 2480) is amended—

(A) by striking ''Section 2667(d)'' and inserting ''Section 2667(e)''; and

(B) by inserting ''as redesignated by section 662(b)(1) of this Act,'' after ''Code,''.

(d) PUBLIC LAW 109–366.—Effective as of October 17, 2006, and as if included therein as enacted, Public Law 109–366 is amended as follows:

(1) Section 8(a)(3) (120 Stat. 2636) is amended by inserting a semicolon after ''subsection''.

(2) Section 9(1) (120 Stat. 2636) is amended by striking ''No. 1.'' and inserting ''No. 1,''.

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 571 (119 Stat. 3270) is amended by striking ''931 et seq.)'' and inserting ''921 et seq.)''.

(2) Section 1052(j) (119 Stat. 3435) is amended by striking ''Section 1049'' and inserting ''Section 1409''.

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 706(a) (117 Stat. 1529; 10 U.S.C. 1076b note) is amended by striking ''those program'' and inserting ''those programs''.

(2) Section 1413(a) (117 Stat. 1665; 41 U.S.C. 433 note) is amended by striking ''(A))'' and inserting ''(A)))''.

(3) Section 1602(e)(3) (117 Stat. 1683; 10 U.S.C. 2302 note) is amended by inserting ''Security'' after ''Health''.

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting ''Research'' after ''Defense Advanced''; and

(2) in paragraph (3), by inserting ''Research'' after ''Defense Advanced''.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Section 722(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking ''155 Stat.'' and inserting ''115 Stat.''.

SEC. 1048. REPEAL OF CERTIFICATION REQUIREMENT.

Section 1063 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3445) is repealed.

SEC. 1049. PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is responsible for demilitarizing and auctioning off sensitive surplus United States military equipment.

(2) F–14 ''Tomcat'' fighter aircraft have recently been retired, and their parts are being made available by auction in large quantities.

(3) Iran is the only country, besides the United States, flying F–14 fighter aircraft and is purchasing surplus parts for such aircraft from brokers.

(4) The Government Accountability Office has, as a result of undercover investigative work, declared the acquisition of the surplus United States military equipment, including parts for F–14 fighter aircraft, to be disturbingly effortless.

(5) Upon the seizure of such sensitive surplus military equipment being sold to Iran, United States customs agents have discovered these same items, having been resold by the Department of Defense, being brokered illegally to Iran again.

(6) Iran is pursuing a nuclear weapons capability, and the Department of State has identified Iran as the most active state sponsor of terrorism.

(7) Iran continues to provide funding, safe haven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(8) The sale of spare parts for F–14 fighter aircraft could make it more difficult to confront the nuclear weapons capability of Iran and would strengthen the ground war capability of Iran. To prevent these threats to regional and global security, the sale of spare parts for F–14 fighter aircraft should be prohibited.

(b) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(c) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

SEC. 1050. MAINTENANCE OF CAPABILITY FOR SPACE-BASED NUCLEAR DETECTION.

The Secretary of Defense shall maintain the capability for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act.

SEC. 1051. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 12310 note) is amended—

(1) in paragraph (1)—

(A) by striking ''23'' and inserting ''25''; and

(B) by striking ''55'' and inserting ''57''; and

(2) in paragraph (2), by striking ''55'' and inserting ''57''.

SEC. 1052. SENSE OF CONGRESS REGARDING NEED TO REPLACE ARMY M109 155MM SELF-PROPELLED HOWITZER.

(a) FINDINGS.—Congress finds the following:

(1) Military historians recognize the M109 155mm self-propelled howitzer as a pioneer of the configuration of modern mechanized artillery.

(2) The M109 was first used by the Army in combat during the Vietnam War.

(3) The Marine Corps also made use of the M109 during the Vietnam War, primarily in defensive ways similar to the Army.

(4) The Army adapted the M109 for use during the Gulf War, adding capability for more lethal DPICM rounds.

(5) The M109 has most recently demonstrated its usefulness in Operation Iraqi Freedom, dependably placing rounds downrange about two minutes after obtaining its mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, while the M109 155mm self-propelled howitzer has been a dependable military weapon for 40 years and recognizing the budgeting challenges facing the Armed Forces, the Army—

(1) has not been timely in procuring a replacement for the M109; and

(2) should transition to the NLOS-C as the replacement for the M109.

SEC. 1053. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

It is the sense of Congress that—

(1) the Nation extends its gratitude to the military personnel who guard and interrogate some of the world's most dangerous men every day at Naval Station, Guantanamo Bay, Cuba;

(2) the international community, in general, and in particular, the home countries of the detainees who remain in detention despite having been ordered released by a Department of Defense administrative review board, should work with the Department of Defense to facilitate and expedite the repatriation of such detainees;

(3) detainees at Guantanamo Bay, to the maximum extent possible, should be charged and expeditiously prosecuted for crimes committed against the United States; and

(4) operations at Guantanamo Bay should be carried out in a way that upholds the national interest and core values of the American people.

SEC. 1054. REPEAL OF PROVISIONS IN SECTION 1076 OF PUBLIC LAW 109–364 RELATING TO USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) INTERFERENCE WITH STATE AND FEDERAL LAWS.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, is amended to read as follows:

"§ 333. Interference with State and Federal law

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.".

(2) PROCLAMATION TO DISPERSE.—Section 334 of such title is amended by striking "or those obstructing the enforcement of the laws" after "insurgents".

(3) HEADING AMENDMENT.—The heading of chapter 15 of such title is amended to read as follows:

"CHAPTER 15—INSURRECTION".

(4) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 333 and inserting the following new item:

"333. Interference with State and Federal law.".

(B) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Insurrection ..... 331".

(b) REPEAL OF SECTION RELATING TO PROVISION OF SUPPLIES, SERVICES, AND EQUIPMENT.—

(1) IN GENERAL.—Section 2567 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(c) CONFORMING AMENDMENT.—Section 12304(c) of such title is amended by striking "Except to perform" and all that follows through "this section" and inserting "No unit or member of a reserve component may be ordered to active duty under this section to perform any of the functions authorized by chapter 15 or section 12406 of this title or, except as provided in subsection (b),".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Compensation for Federal wage system employees for certain travel hours.
Sec. 1102. Special benefits for civilian employees assigned on deployment temporary change of station.
Sec. 1103. Accumulation of annual leave by senior level employees.
Sec. 1104. Travel compensation for wage grade personnel.
Sec. 1105. Death gratuity authorized for Federal employees.
Sec. 1106. Modifications to the National Security Personnel System.
Sec. 1107. Annuity commencing dates.
Sec. 1108. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.
Sec. 1109. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in a combat zone.
Sec. 1110. Use of leave transfer program by wounded veterans who are Federal employees.
Sec. 1111. Requirement for full implementation of personnel demonstration project.

SEC. 1101. COMPENSATION FOR FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Clause (iv) of section 5544(a) of title 5, United States Code, is amended by striking "administratively." and inserting "administratively (including travel by such employee to such event and the return of such employee from such event to his or her official duty station).".

SEC. 1102. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES ASSIGNED ON DEPLOYMENT TEMPORARY CHANGE OF STATION.

(a) AUTHORITY.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5737 the following:

"§ 5737a. Employees temporarily deployed in contingency operations

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered employee' means an individual who—

"(A) is an employee of an Executive agency or a military department, excluding a Government controlled corporation; and

"(B) is assigned on a temporary change of station in support of a contingency operation;

"(2) the term 'temporary change of station', as used with respect to an employee, means an assignment—

"(A) from the employee's official duty station to a temporary duty station; and

"(B) for which such employee is eligible for expenses under section 5737; and

"(3) the term 'contingency operation' has the meaning given such term by section 1482a(c) of title 10.

"(b) QUARTERS AND RATIONS.—The head of an agency may provide quarters and rations, without charge, to any covered employee of such agency during the period of such employee's temporary assignment (as described in subsection (a)(1)(B)).

"(c) STORAGE OF MOTOR VEHICLE.—The head of an agency may provide for the storage, without charge, or for the reimbursement of the cost of storage, of a motor vehicle that is owned or leased by a covered employee of such agency (or by a dependent of such an employee) and that is for the personal use of the covered employee. This subsection shall apply—

"(1) with respect to storage during the period of the employee's temporary assignment (as described in subsection (a)(1)(B)) and, notwithstanding section 5737(b), for such additional period of time as the agency head may determine; and

"(2) in the case of a covered employee, with respect to not more than one motor vehicle as of any given time.

"(d) RELATIONSHIP TO OTHER BENEFITS.—Any benefits under this section shall be in addition to (and not in lieu of) any other benefits for which the covered employee is otherwise eligible.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of such title is amended by inserting after the item relating to section 5737 the following:

"5737a. Employees temporarily deployed in contingency operations.".

SEC. 1103. ACCUMULATION OF ANNUAL LEAVE BY SENIOR LEVEL EMPLOYEES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A), by striking "in a position in—" and inserting "in—";

(2) in subparagraphs (A) through (E), by inserting "a position in" before "the";

(3) in subparagraph (D), by striking "or" at the end;

(4) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(5) by adding after subparagraph (E) the following:

"(F) a position to which section 5376 applies; or

"(G) a position designated under section 1607(a) of title 10 as an Intelligence Senior Level position.".

SEC. 1104. TRAVEL COMPENSATION FOR WAGE GRADE PERSONNEL.

(a) ELIGIBILITY FOR COMPENSATORY TIME OFF FOR TRAVEL.—Section 5550b(a) of title 5, United States Code, is amended by striking "section 5542(b)(2)," and inserting "any provision of section 5542(b)(2) or 5544(a),".

(b) CONFORMING AMENDMENT.—Section 5541(2)(xi) of such title is amended by striking "section 5544" and inserting "section 5544 or 5550b".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES.

(a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of title 5, United States Code, is amended by inserting after section 8102 the following new section:

"§ 8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force

''(a) DEATH GRATUITY AUTHORIZED.—The United States shall pay a death gratuity of $100,000 to or for the survivor prescribed by subsection (d) immediately upon receiving official notification of the death of an employee who dies of injuries incurred in connection with the employee's service with an Armed Force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an Armed Force.

''(b) RETROACTIVE PAYMENT IN CERTAIN CASES.—Subsection (a) applies in the case of an employee who dies on or after October 7, 2001, as a result of injuries incurred in connection with the employee's service with an Armed Force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom.

''(c) OTHER BENEFITS.—The death gratuity payable under this section is in addition to any death benefits otherwise provided for in law.

''(d) ELIGIBLE SURVIVORS.—

''(1) Subject to paragraph (5), a death gratuity payable upon the death of a person covered by subsection (a) shall be paid to or for the living survivor highest on the following list:

''(A) The employee's surviving spouse.

''(B) The employee's children, as prescribed by paragraph (2), in equal shares.

''(C) If designated by the employee, any one or more of the following persons:

''(I) The employee's parents or persons in loco parentis, as prescribed by paragraph (3).

''(ii) The employee's brothers.

''(iii) The employee's sisters.

''(D) The employee's parents or persons in loco parentis, as prescribed by paragraph (3), in equal shares.

''(E) The employee's brothers and sisters in equal shares.

Subparagraphs (C) and (E) of this paragraph include brothers and sisters of the half blood and those through adoption.

''(2) Paragraph (1)(B) applies, without regard to age or marital status, to—

''(A) legitimate children;

''(B) adopted children;

''(C) stepchildren who were a part of the decedent's household at the time of death;

''(D) illegitimate children of a female decedent; and

''(E) illegitimate children of a male decedent—

''(I) who have been acknowledged in writing signed by the decedent;

''(ii) who have been judicially determined, before the decedent's death, to be his children;

''(iii) who have been otherwise proved, by evidence satisfactory to the employing agency, to be children of the decedent; or

''(iv) to whose support the decedent had been judicially ordered to contribute.

''(3) Subparagraphs (C) and (D) of paragraph (1), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the decedent for a period of not less than one year at any time before the decedent became an employee. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent became an employee.

''(4) Beginning on the date of the enactment of this paragraph, a person covered by this section may designate another person to receive not more than 50 percent of the amount payable under this section. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with subparagraphs (A) through (E) of paragraph (1).

''(5) If a person entitled to all or a portion of a death gratuity under paragraph (1) or (4) dies before the person receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by paragraph (1).

''(e) DEFINITIONS.—(1) The term 'contingency operation' has the meaning given to that term in section 1482a(c) of title 10, United States Code.

''(2) The term 'employee' has the meaning provided in section 8101 of this title, but also includes a nonappropriated fund instrumentality employee, as defined in section 1587(a)(1) of title 10.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8102 the following new item:

''8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force.''.

SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding any other provision of this part, the'' and inserting ''The'';

(2) in subsection (b)(4)—

(A) by striking ''collectively as provided for in this chapter,'' and inserting ''collectively,''; and

(B) by striking ''the provisions of this chapter and'';

(3) in subsection (b)(6), by striking subparagraph (I) and inserting the following:

''(I) A pay-for-performance evaluation system to reward individual or group performance. Any such system—

''(i) shall be based on an equitable method for appraising and compensating employees;

''(ii) shall ensure that rates of pay (including those described in subchapter IV of chapter 53 and those payable to employees paid from nonappropriated funds) are adjusted at the same time and by the same percentages as would be required under sections 5303 through 5304a for rates subject to those sections, except that no such adjustment may be made if or to the extent that the resulting rate would exceed the maximum rate allowable under such system;

''(iii) may not be implemented before the requirements described in section 4703(b) have been met by the Secretary and the Director jointly with respect to such system;

''(iv) may not provide for any waiver with respect to such system that would not be allowable under any paragraph of section 4703(c); and

''(v) shall be subject to the provisions of subsections (f) and (g) of section 4703.'';

(4) in subsection (c)(1), by striking ''October 1, 2008'' each place it appears and inserting ''October 1, 2011'';

(5) in subsection (d)—

(A) in the matter before paragraph (1), by striking ''are (to the extent not otherwise specified in this title)—'' and inserting ''are—''; and

(B) in paragraph (2), by inserting ''43,'' after ''41,'' and by inserting ''75, 77,'' after ''73,'';

(6) in subsection (e)(3), by striking the period at the end and inserting '', except as provided in subsection (b)(6)(I)(ii).'';

(7) in subsection (f)(4), strike ''The'' and insert ''Subject to subsection (d)(2), the'';

(8) in subsection (g)—

(A) by striking paragraph (2) and inserting the following:

''(2) The decision to bargain at a level above the level of exclusive recognition shall be mutually agreed to by the Secretary and the labor organization at an organizational level above the level of exclusive recognition.'';

(B) in paragraph (3), by striking ''are excluded from'' and inserting ''may be included in''; and

(C) by striking paragraph (4); and

(9) by striking subsections (h), (k), and (m) and redesignating subsections (i), (j), and (l) as subsections (h), (i), and (j), respectively.

(b) SAVINGS PROVISION.—Any rate of pay which is in effect with respect to an employee immediately before this section takes effect, and which was determined under a performance management system established under section 9902(b)(6) of title 5, United States Code, shall remain in effect until—

(1) such rate is modified, superseded, or rendered inapplicable—

(A) in accordance with such system, as last in effect before this section takes effect; or

(B) in accordance with a system established under such section 9902(b)(6), as amended by this section (hereinafter referred to as a ''successor system''); or

(2) such employee otherwise ceases to be covered by such system (as described in paragraph (1)(A)), whether by transferring to a position not covered by the system (as so described) or otherwise.

The performance management system (as described in paragraph (1)(A)) shall remain in effect, in accordance with its terms, until all employees who, immediately before this section takes effect, are subject to the system (as so described) have either become subject to a successor system or have otherwise ceased to be covered by the system (as so described). Such system (as so described) shall not apply in the case of any employee, or during any period of time, not described in the preceding sentence.

SEC. 1107. ANNUITY COMMENCING DATES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8345(b)(1) of title 5, United States Code, is amended by striking ''the first day of the month after'' both places it appears and inserting ''the day after''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8464(a) of such title is amended to read as follows:

''(a) Except as otherwise provided in this chapter—

''(1) an annuity payable from the Fund commences on the day after—

''(A) separation from the service, in the case of an employee or Member retiring under section 8412 or 8414; or

''(B) pay ceases, and the applicable age and service requirements are met, in the case of an employee or Member retiring under section 8413; and

''(2) an annuity payable from the Fund commences on the day after separation from the service or the day after pay ceases and the requirements for title to an annuity are met in the case of an employee or Member retiring under section 8451.''.

SEC. 1108. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES WHO MOVE FROM A DEPARTMENT OF DEFENSE OR COAST GUARD NONAPPROPRIATED FUND INSTRUMENTALITY POSITION TO A POSITION IN THE GENERAL SCHEDULE PAY SYSTEM.

The first sentence of section 5334(f) of title 5, United States Code, is amended by striking ''any step of such grade that does not exceed the highest previous rate of basic pay received

by that employee during the employee's service described in section 2105(c).'' and inserting ''any step of such grade that does not exceed—

''(1) if the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c) is equal to a rate of the appropriate grade, such rate of the appropriate grade;

''(2) if the employee's highest previous rate of basic pay (as described in paragraph (1)) is between two rates of the appropriate grade, the higher of those two rates; or

''(3) if the employee's highest previous rate of basic pay (as described in paragraph (1)) exceeds the maximum rate of the appropriate grade, the maximum rate of the appropriate grade.''.

SEC. 1109. TRANSPORTATION OF DEPENDENTS, HOUSEHOLD EFFECTS, AND PERSONAL PROPERTY TO FORMER HOME FOLLOWING DEATH OF FEDERAL EMPLOYEE WHERE DEATH RESULTED FROM DISEASE OR INJURY INCURRED IN A COMBAT ZONE.

(a) IN GENERAL.—Section 5742 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) The benefits of subsection (b)(2) may not be denied, solely because the dependents were residing within the continental United States when the employee died, if such employee died as a result of disease or injury incurred while holding a position or performing one or more functions in support of military operations of the United States in a combat zone.

''(2) For purposes of paragraph (1)—

''(A) the term 'continental United States' has the meaning given such term by section 5721(3); and

''(B) the term 'combat zone' has the meaning given such term by section 1580 of title 10.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 1110. USE OF LEAVE TRANSFER PROGRAM BY WOUNDED VETERANS WHO ARE FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 6333(b) of title 5, United States Code, is amended—

(1) by striking ''A leave'' and inserting ''(1) Except as provided in paragraph (2), a leave''; and

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

''(2) The requirement to exhaust annual leave and sick leave under paragraph (1) shall not apply in the case of a leave recipient who, while a member of the Armed Forces, including a member of the National Guard or a Reserve, sustained a combat-related disability (as defined in section 1413a(e) of title 10) and is undergoing medical treatment (as defined by the Office of Personnel Management) for that combat-related disability. The preceding sentence shall apply to a member described in that sentence only so long as the member continues to undergo medical treatment for the disability, but in no case for more than five years.''.

SEC. 1111. REQUIREMENT FOR FULL IMPLEMENTATION OF PERSONNEL DEMONSTRATION PROJECT.

(a) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), to carry out personnel management demonstration projects at Department of Defense laboratories that are exempted by section 9902(c) of title 5, United States Code, from inclusion in the Department of Defense National Security Personnel System.

(b) EXPANDED AUTHORITY FOR DIRECTORS.—The Secretary of Defense shall also implement a process and implementation plan to expand the authorities provided to the laboratories described in subsection (a) to provide the research laboratory directors enhanced ability to make program, funding, personnel, and other decisions that are necessary to carry out the mission of the laboratory.

(c) OTHER LABORATORIES.—Any flexibility available to any demonstration laboratory shall be available for use at any other laboratory as enumerated in section 9902(c)(2) of title 5, United States Code.

(d) SUBMISSION OF LIST AND DESCRIPTION.—Not later than March 1 of each year, beginning with March 1, 2008, the Secretary of Defense shall submit to Congress a list and description of the demonstration project notices, amendments, and changes requested by the laboratories during the preceding calendar year. The list shall include all approved and disapproved notices, amendments, and changes, and the reasons for disapproval or delay in approval.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Military-to-military contacts and comparable activities.
Sec. 1202. Authority for support of military operations to combat terrorism.
Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
Sec. 1206. Expansion of program to build the capacity of foreign military forces to include Pakistan's other security forces.
Sec. 1207. Authority to provide assistance to foreign nations to assist in recovery and accounting activities for missing United States Government personnel.
Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.
Sec. 1209. Report on foreign assistance-related programs, projects, and activities carried out by the Department of Defense.

Subtitle B—Matters Relating to Iraq

Sec. 1221. Modification of authorities relating to the Special Inspector General for Iraq Reconstruction.
Sec. 1222. Continuation of prohibition on establishment of permanent military installations in Iraq or United States control over oil resources of Iraq.
Sec. 1223. Report on Department of Defense efforts to build the capacity of the Government of Iraq to carry out reconstruction activities in Iraq.
Sec. 1224. Report on implementation of Multi-National Forces–Iraq/United States Embassy Baghdad Joint Campaign Plan and efforts to achieve political reform in Iraq.
Sec. 1225. Report on training of the Iraqi Security Forces.
Sec. 1226. Sense of Congress on responsibilities of the Iraqi Council of Representatives to enact laws to achieve political reform and diminish support for the insurgency in Iraq.

Subtitle C—Matters Relating to Afghanistan

Sec. 1231. Special Inspector General for Afghanistan Reconstruction.
Sec. 1232. Report on progress toward security and stability in Afghanistan.
Sec. 1233. Report on progress of the Department of Defense's counter-narcotics program for Afghanistan.
Sec. 1234. United States plan for sustaining the Afghanistan National Security Forces.

Subtitle D—Other Matters

Sec. 1241. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries.
Sec. 1242. Extension of Counterproliferation Program Review Committee.
Sec. 1243. Sense of Congress concerning the Western Hemisphere Institute for Security Cooperation.
Sec. 1244. Sense of Congress concerning the strategic military capabilities and intentions of the People's Republic of China.

Subtitle A—Assistance and Training

SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9) The assignment of personnel described in paragraph (3) or (4) on a non-reciprocal basis if the Secretary of Defense determines that such an assignment, rather than an exchange of personnel, is in the interests of the United States.''.

SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086–2087) is amended to read as follows:

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than 120 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.

''(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

''(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

''(B) the respective dates and a summary of congressional notifications for each activity;

''(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

''(D) the total amount obligated to provide the support;

''(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

''(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the types of follow-on support, if any, that may be necessary.''.

(b) ANNUAL LIMITATION.—Subsection (g) of such section is amended—

(1) in the heading, by striking ''FISCAL YEAR 2005'' and inserting ''ANNUAL''; and

(2) by striking ''fiscal year 2005'' and inserting ''each fiscal year during which subsection (a) is in effect''.

(c) EXTENSION OF PERIOD OF AUTHORITY.—Subsection (h) of such section is amended by striking ''2007'' and inserting ''2010''.

SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES FOR LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS.

(a) AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking ''involved in a coalition'' and inserting ''involved in a military operation''; and

(2) by striking ''coalition operation'' and inserting ''military operation''.

(b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES.—Subsection (b) of such section is amended—

(1) in the heading, by striking ''AND SUBSISTENCE'' inserting '', SUBSISTENCE, AND MEDICAL CARE'';

(2) in paragraph (2), by adding at the end the following:

''(C) Expenses for medical care at a civilian medical facility if—

''(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

''(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

''(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.''; and

(3) by adding at the end the following:

''(3) The Secretary may pay the mission-related travel expenses of a liaison officer described in subsection (a) if such travel is in support of the national interests of the United States and the commander of the headquarters to which the liaison officer is temporarily assigned directs round-trip travel from the assigned headquarters to one or more locations.''.

(c) DEFINITION.—Subsection (d) of such section is amended—

(1) by striking ''(d) DEFINITIONS.—'' and all that follows through ''(1) The term'' and inserting ''(d) DEFINITION.—In this section, the term''; and

(2) by striking paragraph (2).

(d) EXPIRATION OF AUTHORITY.—Such section is further amended by striking subsection (e).

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses''.

(2) The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by striking the item relating to section 1051a and inserting the following:

''1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses.''.

SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 1202 Stat. 2416) is amended by striking ''fiscal year 2007'' and inserting ''fiscal years 2007 and 2008''.

(b) APPROVAL OF CENTERS.—Subsection (c)(1) of such section is amended—

(1) by striking ''the Military Committee of the North Atlantic Treaty Organization (NATO)'' and inserting ''the Department of Defense''; and

(2) by striking ''for the benefit of NATO''.

(c) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) LIMITATION ON AMOUNT.—The amount available under paragraph (1)(A) for the expenses referred to in that paragraph may not exceed—

''(A) in fiscal year 2007, $3,000,000; and

''(B) in fiscal year 2008, $5,000,000.''.

(d) REPORTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by inserting ''and October 31, 2008,'' after ''October 31, 2007,''; and

(B) by striking ''fiscal year 2007'' and inserting ''fiscal years 2007 and 2008''; and

(2) in paragraph (2)(A), by striking ''during fiscal year 2007'' and inserting ''during the preceding fiscal year''.

SEC. 1205. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456) is amended—

(1) in the heading, by striking ''FISCAL YEARS 2006 AND 2007'' and inserting ''FISCAL YEARS 2008 AND 2009''; and

(2) by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 1206. EXPANSION OF PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES TO INCLUDE PAKISTAN'S OTHER SECURITY FORCES.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456–3458), as amended by section 1206 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is amended—

(1) by striking ''The Secretary of Defense'' and inserting the following:

''(1) IN GENERAL.—The Secretary of Defense'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) ADDITIONAL AUTHORITY TO BUILD THE CAPACITY OF PAKISTAN'S OTHER SECURITY FORCES.—The Secretary of Defense, with the concurrence of the Secretary of State, may use the authority in paragraph (1) to provide assistance to build the capacity of a Pakistan's other security forces that are critical to the success of counterterrorist operations, such as forces responsible for border protection and interdiction (including forces that guard coastal waters) and internal security forces specifically responsible for counterterrorism operations, in order for Pakistan to conduct the operations described in paragraph (1)(A).''.

(b) CONGRESSIONAL NOTIFICATION; SPECIFIED CONGRESSIONAL COMMITTEES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Whenever'' and inserting the following:

''(A) IN GENERAL.—Whenever''; and

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

''(B) NOTIFICATION RELATING TO AUTHORITY TO BUILD THE CAPACITY OF PAKISTAN'S OTHER SECURITY FORCES.—Not less than 30 days prior to the obligation or expenditure of funds to carry out any activities under subsection (a)(2), the Secretary of Defense shall notify the congressional committees specified in paragraph (3) of such proposed obligation or expenditure.''; and

(2) in paragraph (3)(B), by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(c) REPORT.—Paragraphs (1), (2), and (3) of subsection (f) of such section are each amended by inserting ''or Pakistan's other security forces'' after ''foreign military forces''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended by adding at the end before the period the following: ''**AND PAKISTAN'S OTHER SECURITY FORCES**''.

(2) The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2006 and the table of sections at the beginning of title XII of such Act are each amended by striking the item relating to section 1206 and inserting the following:

''Sec. 1206. Authority to build the capacity of foreign military forces and Pakistan's other security forces.''.

SEC. 1207. AUTHORITY TO PROVIDE ASSISTANCE TO FOREIGN NATIONS TO ASSIST IN RECOVERY AND ACCOUNTING ACTIVITIES FOR MISSING UNITED STATES GOVERNMENT PERSONNEL.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide assistance to foreign nations to assist the Department of Defense in recovery and accounting activities for missing United States Government personnel.

(b) TYPES OF ASSISTANCE.—Assistance authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding to foreign nations to assist in recovery and accounting activities described in such subsection. The authority to provide assistance under subsection (a) is in addition to any other authority to provide assistance to foreign nations for such purposes.

(c) LIMITATION.—Assistance authorized under subsection (a) may not exceed $1,000,000 in any fiscal year.

SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTIFICATION SYSTEM DATA ON MARITIME SHIPPING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) AUTHORITY TO PROVIDE DATA.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Secretary of a military department or a commander of a combatant command to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the exchange or production of such data. Such data may be transferred pursuant to this section without cost to the recipient country or international organization.

(b) DEFINITIONS.—In this section:

(1) AUTOMATIC IDENTIFICATION SYSTEM.—The term ''automatic identification system'' means a system that is used to satisfy the requirements of the Automatic Identification System under the International Convention for the Safety of Life at Sea, signed at London on November 1, 1974 (TIAS 9700).

(2) GEOGRAPHIC COMBATANT COMMANDER.—The term ''commander of a combatant command'' means a commander of a combatant command (as such term is defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility.

SEC. 1209. REPORT ON FOREIGN ASSISTANCE-RELATED PROGRAMS, PROJECTS, AND ACTIVITIES CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(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 appropriate congressional committees a report that contains a description of all foreign assistance-related programs, projects, and activities carried out by the Department of Defense during the prior fiscal year pursuant to any provision of law that authorizes or appropriates funds for such programs, projects, and activities.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include information on a country-by-country basis of each foreign assistance–related program, project, or activity of the Department of Defense and each foreign-assistance related program, project, or activity that the Department of Defense undertakes or implements on behalf of any other department or agency of the United States Government, such as a program, project, or activity under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on

Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq

SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) PURPOSES.—Subsection (a)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended by striking ''to the Iraq Relief and Reconstruction Fund'' and inserting ''for the reconstruction of Iraq''.

(b) ASSISTANT INSPECTORS GENERAL.—Subsection (d)(1) of such section is amended by striking ''the Iraq Relief and Reconstruction Fund'' and inserting ''amounts appropriated or otherwise made available for the reconstruction of Iraq''.

(c) SUPERVISION.—Subsection (e)(2) of such section is amended by striking ''the Iraq Relief and Reconstruction Fund'' and inserting ''amounts appropriated or otherwise made available for the reconstruction of Iraq''.

(d) DUTIES.—Subsection (f)(1) of such section is amended by striking ''to the Iraq Relief and Reconstruction Fund'' and inserting ''for the reconstruction of Iraq''.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—Subsection (h)(3) of such section is amended by striking ''my enter'' and inserting ''may enter''.

(f) REPORTS.—Subsection (i) of such section is amended by striking ''to the Iraq Relief and Reconstruction Fund'' each place it appears and inserting ''for the reconstruction of Iraq''.

(g) DEFINITIONS.—Subsection (m) of such section is amended—

(1) in the heading, by striking ''APPROPRIATE COMMITTEES OF CONGRESS DEFINED'' and inserting ''DEFINITIONS'';

(2) by striking ''In this section, the term'' and inserting the following: ''In this section—

''(1) the term'';

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(2) the term 'amounts appropriated or otherwise made available for the reconstruction of Iraq' means amounts appropriated or otherwise made available for any fiscal year—

''(A) to the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Commanders' Emergency Response Program authorized under section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); or

''(B) for assistance for the reconstruction of Iraq under—

''(i) the Economic Support Fund authorized under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

''(ii) the International Narcotics Control and Law Enforcement account authorized under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

''(iii) any other provision of law.''.

(h) TERMINATION.—Subsection (o) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''(A)'';

(B) by striking ''to the Iraq Relief and Reconstruction Fund'' the first place it appears and inserting ''for the reconstruction of Iraq''; and

(C) by striking subparagraph (B); and

(2) in paragraph (2)—

(A) by striking ''funds deemed to be''; and

(B) by striking ''to the Iraq Relief and Reconstruction Fund'' and inserting ''for the reconstruction of Iraq''.

SEC. 1222. CONTINUATION OF PROHIBITION ON ESTABLISHMENT OF PERMANENT MILITARY INSTALLATIONS IN IRAQ OR UNITED STATES CONTROL OVER OIL RESOURCES OF IRAQ.

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

SEC. 1223. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF THE GOVERNMENT OF IRAQ TO CARRY OUT RECONSTRUCTION ACTIVITIES IN IRAQ.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to Congress a report on efforts of the Department of Defense to build the capacity of the Government of Iraq to carry out reconstruction activities in Iraq.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the following:

(1) Efforts to improve the ability of the Government of Iraq—

(A) to assess the needs for the reconstruction of Iraq;

(B) to assess the sustainability of reconstruction projects carried out by the Government of Iraq, on all levels; and

(C) to effectively budget and carry out the design and implementation of reconstruction projects.

(2) Efforts to improve the ability of the Government of Iraq—

(A) to enter into competitively-awarded contracts for the reconstruction of Iraq; and

(B) to oversee that such contracts are properly and effectively carried out in a cost-efficient manner.

(3) Such other matters as the Secretary of Defense considers appropriate.

SEC. 1224. REPORT ON IMPLEMENTATION OF MULTI-NATIONAL FORCES–IRAQ/UNITED STATES EMBASSY BAGHDAD JOINT CAMPAIGN PLAN AND EFFORTS TO ACHIEVE POLITICAL REFORM IN IRAQ.

(a) REPORT REQUIRED.—Not later than September 30, 2007, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report detailing the status of implementation of the Multi-National Forces–Iraq/United States Embassy Baghdad Joint Campaign Plan (hereinafter in this section referred to as the ''Joint Campaign Plan'') since January 1, 2007, and efforts by the Government of Iraq to achieve political reform in Iraq.

(b) ASSESSMENT REQUIRED.—The Commander, Multi-National Forces–Iraq and the United States Ambassador to Iraq shall jointly submit to the Secretary of Defense and the Secretary of State an assessment of the situation in Iraq. The assessment shall be submitted in time to be included in the report required by subsection (a), and shall be included in the report, together with any comments thereon by the Secretary of Defense or the Secretary of State.

(c) ELEMENTS.—The assessment required by subsection (b) shall include the following elements:

(1) A detailed description of the Joint Campaign Plan, or any subsequent revisions, updates, or documents that replace or supersede the Joint Campaign Plan, including goals, phases, or other milestones contained in the Joint Campaign Plan. Specifically, the description shall include the following:

(A) An explanation of conditions required to move though phases of the Joint Campaign Plan and the measurements used to determine progress.

(B) An assessment of what conditions in the Joint Campaign Plan have been achieved and what conditions have not been achieved. The assessment of those conditions that have not been achieved shall include a discussion of the factors that have precluded such progress.

(C) A description of any companion or equivalent plan of the Government of Iraq used to measure progress for Iraqi Security Forces undertaking joint operations with Coalition forces.

(2) Efforts by the Government of Iraq in taking the following actions:

(A) Enacting a broadly-accepted hydrocarbon law that equitably shares revenue among all Iraqis.

(B) Adopting laws necessary for the conduct of provincial and local elections, taking steps to implement such laws, and setting a schedule to conduct provincial and local elections.

(C) Reforming current laws governing the de-Baathification process in a manner that encourages national reconciliation.

(D) Amending the Constitution of Iraq in a manner that encourages national reconciliation.

(E) Allocating and beginning expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, and implementing such reconstruction projects on an equitable basis.

(F) Making significant efforts to plan and implement disarmament, demobilization, and reintegration programs relating to Iraqi militias.

(3) An assessment of security in each region of Iraq and an overall assessment of security for the country, to include the following:

(A) Trends in casualties among Coalition forces, Iraqi Security Forces, and civilians.

(B) Trends in weekly attacks on Coalition forces, Iraqi Security Forces, and civilians.

(C) Trends in sectarian violence, including both the number of incidents and the casualties that have resulted.

(D) Trends in high-profile attacks, including attacks utilizing suicide bombings and vehicle-borne improvised explosive devices.

(4) An assessment of the effectiveness of Iraqi Security Forces, to include the following:

(A) The number of battalions in the Iraqi Army currently conducting operations against insurgents, the level of personnel strength of such battalions, and efforts by the Iraqi or Coalition authorities to increase the number of such battalions.

(B) The number of Iraqi Security Force units, at the battalion level and above, that are operating independently of Coalition forces or with only support of Coalition forces.

(C) The anticipated period of time remaining until the Iraqi Security Forces are fully trained and capable of providing security in Iraq without support of Coalition forces.

(d) FURTHER ASSESSMENT REQUIRED.—Based on the information provided in subsection (c), the Secretary of Defense shall include in the report required by subsection (a)—

(1) an assessment of the levels of United States Armed Forces required in Iraq for the six-month period beginning on October 1, 2007, the missions to be undertaken by the Armed Forces, and the incremental costs of any proposed changes to such levels or missions; and

(2) a description of the range of contingency plans under consideration for changes to levels of United States Armed Forces or missions during such period.

(e) UPDATE OF REPORT.—

(1) UPDATE REQUIRED.—Not later than 180 days after the submission of the report required by subsection (a), and every 180 days thereafter until United States combat forces have been redeployed from Iraq, the Secretary of Defense shall submit to the appropriate congressional committees an update of the report required by subsection (a).

(2) MATTERS TO BE INCLUDED.—Each update of the report required by subsection (a) shall include an update of the assessment and any comments thereon required by subsection (b), an update of the elements described in subsection (c), and an update of the further assessment required by paragraph (1) of subsection (d) for the six-month period beginning on the date of the

submission of the update and an update of the contingency plans required by paragraph (2) of subsection (d) for such six-month period.

(f) FORM.—The report required by subsection (a) and each update of the report required by subsection (e), including assessments contained therein, shall be submitted in unclassified form, to the maximum extent practicable, but may contain a classified annex.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign 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. 1225. REPORT ON TRAINING OF THE IRAQI SECURITY FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter, the Secretary of Defense shall submit to the appropriate congressional committees an assessment of the Iraqi Security Forces.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall address the following matters:

(1) The level of training, readiness, operational proficiency, and any other measures used to assess the effectiveness of each battalion or larger formation or equivalent of the Iraqi Army, Iraqi National Police, Iraqi Police Service, and all other security and intelligence forces under the control of the Ministry of Defense or the Ministry of the Interior of Iraq.

(2) The number of battalions in the Iraqi Army currently conducting operations, the type of operations conducted, and efforts by Iraqi or Coalition authorities to increase the number of such operations.

(3) The number of Iraqi Army battalions and Iraqi National Police units that can operate without support from Coalition forces.

(4) The amount and type of support from Coalition forces required by the Iraqi Security Forces at each Transition Readiness Assessment (TRA) level.

(5) The level of readiness and effectiveness of units of the Iraqi Security Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(6) The contribution each battalion or larger formation or equivalent of the Iraqi Army, Iraqi National Police, Iraqi Police Service, and all other security and intelligence forces under the control of the Ministry of Defense or the Ministry of the Interior of Iraq are making to overall stability in their area of operation.

(7) Other measurements used by Iraqi and Coalition authorities to assess the capability of the Iraqi Security Forces.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, to the maximum extent practicable, but may include a classified annex, as appropriate.

(d) DEFINITION.—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. 1226. SENSE OF CONGRESS ON RESPONSIBILITIES OF THE IRAQI COUNCIL OF REPRESENTATIVES TO ENACT LAWS TO ACHIEVE POLITICAL REFORM AND DIMINISH SUPPORT FOR THE INSURGENCY IN IRAQ.

It is the sense of Congress that the Iraqi Council of Representatives should not recess for an extended period of time without first making substantial progress toward—

(1) enacting a broadly-accepted hydrocarbon law that equitably shares revenue among all Iraqis;

(2) adopting laws necessary for the conduct of provincial and local elections, taking steps to implement such laws, and setting a schedule to conduct provincial and local elections;

(3) reforming current laws governing the de-Baathification process in a manner that encourages national reconciliation;

(4) amending the Constitution of Iraq in a manner that encourages national reconciliation; and

(5) enacting other legislation that helps to begin the process of political reconciliation and reduce the support for the insurgency in Iraq.

Subtitle C—Matters Relating to Afghanistan

SEC. 1231. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

(A) promote economy efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations.

(3) To provide for an independent and objective means of keeping the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction to carry out the purposes of subsection (a).

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ''Inspector General''), who shall be appointed by the President.

(2) The appointment of Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) The requirements described in paragraphs (4) and (5) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) shall apply to the Inspector General in the same manner and to the same extent as such requirements apply to the Special Inspector General for Iraq Reconstruction.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of Defense.

(2) No officer of the Department of Defense shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan or from issuing any subpoena during the course of any such audit or investigation.

(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities; and

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978, including the authorities under subsection (e) of such section.

(2) The Inspector General shall carry out the duty specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The powers and authorities described in paragraphs (1) through (3) of section 3001(h) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 shall apply to the Inspector General in the same manner and to the same extent as such requirements apply to the Special Inspector General for Iraq Reconstruction.

(2) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided from any department, agency, or other entity of the Federal Government, the Inspector General shall report the circumstances to the Secretary of Defense and to the congressional defense committees.

(3) The Secretary of Defense shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of Defense in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be

necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(i) REPORTS.—(1) Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the congressional defense committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the Department of Defense associated with reconstruction and rehabilitation activities in Afghanistan, including the following:

(A) Obligations and expenditures of appropriated funds by the Department of Defense.

(B) A project-by-project and program-by-program accounting of the costs incurred to date by the Department of Defense for the reconstruction of Afghanistan, together with the estimate of the Department of Defense of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the Department of Defense, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the Department of Defense, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

(F) In the case of any contract described in paragraph (2)—

(i) the amount of the contract or other agreement;

(ii) a brief discussion of the scope of the contract or other agreement;

(iii) a discussion of how the Department of Defense identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) A contract described in this paragraph is any major contract or other agreement that is entered into by the Department of Defense that involves the use of amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) The Inspector General shall submit to the congressional defense committees semiannual reports meeting the requirements of section 5 of the Inspector General Act of 1978. The first such report for a year, covering the first six months of the year, shall be submitted not later than July 31 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than January 31 of the following year.

(4) The Inspector General shall publish each report under this subsection in both English and other languages, which the Inspector General determines are widely used and understood in Afghanistan, on the Internet website of the Department of Defense.

(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the Secretary of Defense.

(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary of Defense considers appropriate.

(B) A report under this paragraph may include a classified annex if the Secretary of Defense considers it necessary.

(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the Secretary of Defense shall make copies of such report available to the public upon request, and at a reasonable cost.

(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the Secretary of Defense shall make copies of such comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2), if the President determines that the waiver is justified for national security reasons.

(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under paragraph (1) or (3) of subsection (i), or any comment under subsection (j)(2), is submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i), and the comments required under subsection (j)(2), shall specify whether waivers under this subsection were made and with respect to which elements in the reports or which comments, as appropriate.

(m) DEFINITION.—In this section, the term ''amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan'' means amounts appropriated or otherwise made available for any fiscal year—

(1) to the Afghanistan Security Forces Fund;

(2) to the program to assist the people of Afghanistan established under subsection (a)(2) of section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); or

(3) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law.

(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2008 to the Afghanistan Security Forces Fund, such sums as may be necessary shall be available to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

(o) TERMINATION.—(1) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan have been expended.

(2) The Special Inspector General for Afghanistan Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare and submit to the congressional defense committees a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(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 appropriate congressional committees a report on progress toward security and stability in Afghanistan.

(b) COORDINATION.—The report required by subsection (a) shall be prepared in coordination with the Secretary of State, the Attorney General, the Administrator of the Drug Enforcement Administration, the Administrator of the United States Agency for International Development, the Secretary of Agriculture, and the head of any other department or agency of the Government of the United States involved with activities relating to security and stability in Afghanistan.

(c) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—The report required by subsection (a) shall include a description of the strategic direction of activities of the United States relating to security and stability in Afghanistan. Such description shall include a general overview followed by a separate detailed section for each of the following:

(1) AFGHANISTAN NATIONAL SECURITY FORCES CAPACITY-BUILDING.—A description of the following:

(A) A clear, comprehensive and effective long-term strategy and budget, with defined objectives, for activities relating to strengthening the resources, capabilities, and effectiveness of the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF), which ensure that a strong and fully-capable ANSF is able to independently and effectively conduct operations and maintain security and stability in Afghanistan (hereinafter in this section referred to as ''ANSF capacity-building'').

(B) Any actions to achieve the following goals with respect to ANSF capacity-building, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the United States Government, as well as countries participating in the North Atlantic Treaty Organization International Assistance Force (NATO–ISAF) and other international partners.

(ii) Improve ANSF recruitment and retention, including through improved vetting and salaries for ANSF.

(iii) Increase and improve ANSF training and mentoring.

(iv) Strengthen the partnership between the Governments of the United States and Afghanistan.

(2) PROVINCIAL RECONSTRUCTION TEAMS AND OTHER RECONSTRUCTION AND DEVELOPMENT ACTIVITIES.—A description of the following:

(A) A clear, comprehensive and effective long-term strategy and budget, with defined objectives, for activities relating to reconstruction and development in Afghanistan.

(B) Any actions to achieve the following goals with respect to activities relating to reconstruction and development in Afghanistan, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the United States Government, as well as NATO–ISAF countries and other international partners.

(ii) Clarify a single chain of command and operations plans for provincial reconstruction teams (PRTs) in Afghanistan.

(iii) Increase staffing, particularly staffing of civilian specialists, and increase staff training for PRTs.

(iv) Expand the National Solidarity Program and other efforts to develop the ability of the Afghan people to assume greater responsibility for their own reconstruction and development projects.

(v) Strengthen the partnership between the Governments of the United States and Afghanistan.

(vi) Strengthen reconstruction and development oversight activities, including implementation of any recommendations of the Special Inspector General for Afghanistan Reconstruction.

(3) REGIONAL CONSIDERATIONS.—A description of any actions and the results of such actions to increase cooperation with countries geographically located around Afghanistan's border, with a particular focus on improving security and stability in the Afghanistan-Pakistan border areas.

(d) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—

(1) IN GENERAL.—The report required by subsection (a) shall set forth, in a section separate from any other section of the report, a comprehensive set of performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, as specified in paragraph (2), and shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(2) PERFORMANCE INDICATORS AND MEASURES OF PROGRESS SPECIFIED.—The performance indicators and measures of progress specified in this paragraph shall include, at a minimum, the following:

(A) Key measures of political stability relating to both central and local Afghan governance.

(B) An assessment of military operations of NATO–ISAF and NATO–ISAF countries, and an assessment of separate military operations by United States forces. Such assessments shall include number of engagements per day, trends relating to the numbers and types of hostile encounters, equipment used, effect of national caveats that limit operations, geographic location of operations, and number of civilian casualties.

(C) For the Afghanistan National Army (ANA), and separately for the Afghanistan National Police (ANP), of the Afghanistan National Security Forces (ANSF) an assessment of the following:

(i) Recruitment and retention numbers; rates of absenteeism; vetting procedures and mechanisms; salaries; numbers trained and mentored; type of training and mentoring, including training and mentoring providers and numbers receiving classroom or field training; organizational force structure; equipment used; operational performance, including ANA and ANP that are (I) capable of conducting operations independently, (II) capable of conducting operations with the support of the United States, NATO–ISAF forces, or other Coalition forces, or (III) not ready to conduct operations.

(ii) Effectiveness of ANA or ANP officers and the ANA and ANP chain of command.

(iii) Extent to which insurgents have infiltrated the ANA and ANP.

(iv) Number of United States and Coalition trainers, mentors, and advisors needed to support the ANA and ANP and associated ministries.

(v) Estimated number and capability level of ANA and ANP needed to perform duties now undertaken by the United States, NATO–ISAF forces, and other Coalition forces, including securing Afghanistan's border with Pakistan and providing adequate levels of law and order throughout Afghanistan.

(D) An assessment of the estimated strength of the insurgency in Afghanistan and the extent to which it is composed of non-Afghan fighters and utilizing weapons or weapons-related materials from counties other than Afghanistan.

(E) A description of all terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment, strength, military effectiveness, sources of support, legal status, and any efforts to disarm or reintegrate each insurgent group.

(F) An assessment of security and stability, including terrorist and insurgent activity, in Afghanistan-Pakistan border areas and in Pakistan's Federally Administered Tribal Areas (FATA).

(G) An assessment of United States military requirements, including planned force rotations, through the end of calendar year 2008.

(e) UPDATE OF REPORT.—Not later than 90 days after the submission of the report required by subsection (a), and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees an update of the report.

(f) FORM.—The report required by subsection (a) and updates of the report required by subsection (e) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(g) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required by subsection (a) and updates of the report required by subsection (e) with regular briefings to the appropriate congressional committees on the subject matter of the report or updates of the report.

(h) 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. 1233. REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE'S COUNTER-NARCOTICS PROGRAM FOR AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the counter-narcotics objectives of the Department of Defense for Afghanistan; and

(2) the strategy for implementing such objectives.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall—

(1) identify the role and responsibilities of the Department of Defense in addressing any of the applicable five pillars that comprise the counter-narcotics strategy and implementation plan for Afghanistan: public information, rural development (alternative livelihoods), elimination and eradication activities, law enforcement and interdiction, and law enforcement and justice reform;

(2) describe the strategic direction of activities of the Department of Defense relating to counter-narcotics efforts in Afghanistan, and specifically include a description of—

(A) a clear, comprehensive and effective long-term strategy and any planned budget, with defined objectives; and

(B) actions that the Department of Defense has undertaken and has planned, to—

(i) improve coordination with all relevant departments and agencies of the United States Government;

(ii) strengthen significantly the Afghanistan National Counter-Narcotics Police;

(iii) build the capacity of the Afghan Government to assume greater responsibility for counter-narcotics related-activities;

(iv) improve counter-narcotics intelligence capabilities;

(v) strengthen capabilities in support of narcotics-related interdiction activities;

(vi) effectively address problems with any counter-narcotics strategies involving the Department of Defense; and

(vii) address other elements of the applicable five pillars that comprise the counter-narcotics strategy and implementation plan for Afghanistan as described in paragraph (1); and

(3) set forth, in a section separate from any other section of the report, a comprehensive set of performance indicators and measures of progress for the Department of Defense's programs relating to counter-narcotics efforts in Afghanistan, which shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(c) UPDATE OF REPORT.—Not later than 90 days after the submission of the report required by subsection (a), and every 90 days thereafter, the Secretary of Defense shall submit to Congress an update of the report.

(d) CONCURRENT SUBMISSION OF REPORT.—The report required by subsection (a) and updates of the report required by subsection (c) shall be submitted concurrently with the report required by section 1232 of this Act (relating to progress toward security and stability in Afghanistan).

(e) FORM.—The report required by subsection (a) and updates of the report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 1234. UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a long-term detailed plan for sustaining the Afghanistan National Army and the Afghanistan National Police of the Afghanistan National Security Forces (ANSF). The plan required by this subsection shall ensure that a strong and fully-capable ANSF will be able to independently and effectively conduct operations and maintain long-term security and stability in Afghanistan.

(b) COORDINATION.—The plan required by subsection (a) shall be prepared in coordination with the Secretary of State and the Attorney General.

(c) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall include a description of the following matters relating to sustainability of the ANSF:

(1) A clear, comprehensive and effective long-term strategy and budget, with defined objectives.

(2) A mechanism for tracking funding, including obligations and expenditures, as well as equipment, training, and services provided for the ANSF by the United States, countries participating in the North Atlantic Treaty Organization International Security Assistance Force (NATO–ISAF countries), and other international partners.

(3) A comprehensive set of performance indicators and measures of progress related to sustaining the ANSF, which shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(4) Actions to achieve the following goals:

(A) Effective Afghan security institutions with fully-capable leadership and staff, including a reformed Ministry of Interior, a fully-established Ministry of Defense, and logistics, intelligence, medical, and recruiting units (ANSF-sustaining institutions).

(B) Fully-trained, equipped and capable ANSF in sufficient numbers.

(C) Strong ANSF-readiness assessment tools and metrics.

(D) A strong core of senior-level ANSF officers.

(E) Strong ANSF communication and control between central command and regions, provinces, and districts.

(F) A robust mentoring and advising program for the ANSF.

(G) A strong professional military training and education program for all junior, mid-level, and senior ANSF officials.

(H) Effective merit-based salary, rank, promotion, and incentive structures for the ANSF.

(I) An established code of professional standards for the ANSF.

(J) A mechanism for incorporating lessons learned and best practices into ANSF operations.

(K) An ANSF personnel accountability system with effective internal discipline procedures and mechanisms.

(L) A system for addressing ANSF personnel complaints.

(M) A strong record-keeping system to track ANSF equipment and personnel issues, and other ANSF oversight mechanisms.

(5) Coordination with all relevant United States Government departments and agencies, as well as NATO-ISAF countries and other international partners, including on—

(A) funding;

(B) reform and establishment of ANSF-sustaining institutions; and

(C) efforts to ensure that progress on sustaining the ANSF is reinforced with progress in other pillars of the Afghan security sector, particularly progress on building an effective judiciary, curbing production and trafficking of illicit narcotics, and demobilizing, disarming, and reintegrating militia fighters.

(d) UPDATE OF PLAN.—Not later than 90 days after the submission of the plan required by subsection (a), and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State and the Attorney General, shall submit to the appropriate congressional committees an update of the plan required by subsection (a), as necessary.

(e) CONCURRENT SUBMISSION OF PLAN.—The plan required by subsection (a), and any update of the plan required by subsection (d), shall be submitted concurrently with the report required by section 1232 of this Act (relating to progress toward security and stability in Afghanistan).

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

Subtitle D—Other Matters

SEC. 1241. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS: NATO ORGANIZATIONS; ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Subsection (e) of section 2350a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''an arms cooperation opportunities document'' each place it appears and inserting ''a cooperative opportunities document''; and

(B) in subparagraph (B), by striking ''a Mission Need Statement'' and inserting ''an analysis of alternatives plan''; and

(2) in paragraph (2), by striking ''An arms cooperation opportunities document'' and inserting ''A cooperative opportunities document''.

SEC. 1242. EXTENSION OF COUNTER-PROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) MEMBERS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended in subsection (a)(1)—

(1) in subparagraph (C) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by adding at the end the following:

''(E) The Secretary of State.

''(F) The Secretary of Homeland Security.

''(G) The Secretary of Health and Human Services.

''(H) The Administrator of the Environmental Protection Agency.''.

(b) ACCESS TO INFORMATION.—Subsection (d) of such section is amended by inserting after ''Department of Energy,'' the following: ''the Department of State, the Department of Homeland Security, the Department of Health and Human Services, the Environmental Protection Agency,''.

(c) TERMINATION.—Subsection (f) of such section is amended by striking ''2008'' and inserting ''2013''.

(d) SUBMISSION OF REPORT.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended—

(1) in subsection (a)—

(A) by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(B) by striking ''May 1 each year'' and inserting ''March 1 each odd-numbered year''; and

(2) in subsection (b)(5)—

(A) by striking ''fiscal year preceding'' and inserting ''two fiscal years preceding''; and

(B) by striking ''preceding fiscal year'' and inserting ''preceding fiscal years''.

SEC. 1243. SENSE OF CONGRESS CONCERNING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1244. SENSE OF CONGRESS CONCERNING THE STRATEGIC MILITARY CAPABILITIES AND INTENTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) United States military war-fighting capabilities are potentially threatened by the strategic military capabilities and intentions of the People's Republic of China, as demonstrated by—

(A) the October 2006 undetected broach of a Chinese SONG-class diesel-electric submarine in close proximity of the USS Kitty Hawk in international waters; and

(B) the January 2007 test of a direct ascent anti-satellite (ASAT) weapon, posing a potential threat to United States military assets in space;

(2) it is in the national security interests of the United States to make every effort to understand China's strategic military capabilities and intentions; and

(3) as part of such an effort, the Secretary of Defense should expand efforts to develop an accurate assessment of China's strategic military modernization, particularly with regard to its sea- and space-based strategic capabilities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. New initiatives for the Cooperative Threat Reduction Program.
Sec. 1304. Requirements relating to chemical weapons destruction at Shchuch'ye, Russia.
Sec. 1305. Repeal of restrictions on Cooperative Threat Reduction Program.
Sec. 1306. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2008 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $398,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 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 the Russian Federation, $77,900,000.

(2) For nuclear weapons storage security in Russia, $23,000,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $38,000,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $144,400,000.

(6) For chemical weapons destruction in Russia, $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For new Cooperative Threat Reduction initiatives that are outside the scope of existing Cooperative Threat Reduction programs and projects, $7,000,000.

(9) For activities designated as Other Assessments/Administration costs, $19,300,000, of which $300,000 is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives authorized under paragraph (8).

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 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 paragraphs (2) and (3), 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 2008 for a purpose listed in any of the paragraphs in 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 any of the

paragraphs in 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.

(3) RESTRICTION.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. NEW INITIATIVES FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives;

(2) such new initiatives should—

(A) increase international security and threat reduction cooperation, capacity building, and security and elimination of nuclear, chemical, and biological weapons and weapons-related materials that pose a threat to United States national security interests;

(B) be well-coordinated with the Department of Energy, the Department of State, and any other relevant United States Government agency or department;

(C) include robust transparency, accountability, verification measures and mechanisms, and legal frameworks between the United States and CTR partner countries;

(D) reflect engagement with non-governmental experts, including the National Academy of Sciences, on possible options for strengthening and expanding the CTR Program;

(E) include active work with the Russian Federation and other countries to establish strong CTR partnerships that, among other things—

(i) increase the role of scientists and government officials from Russia and other partner countries in designing CTR programs and projects; and

(ii) increase financial contributions and additional commitments to CTR programs and projects from Russia and other partner countries, as evidence that the programs and projects reflect national priorities and will be sustainable;

(F) benefit from broad efforts to increase international contributions, in addition to contributions from CTR partner countries, for CTR programs and projects;

(G) incorporate a strong focus on national programs and sustainability, which includes actions to address concerns raised and recommendations made by the Government Accountability Office, in its report of February 2007 titled ''Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain'', regarding safeguarding nuclear warheads and materials;

(H) demonstrate an increased focus on and development of CTR programs and projects that eliminate and secure nuclear, chemical, and biological weapons and weapons-related materials at the source; and

(I) include active efforts to expand the scope of existing CTR programs and projects and develop new CTR programs and projects in Russia and the former Soviet Union, and in countries and regions outside the former Soviet Union, where appropriate and in the interest of United States national security; and

(3) such new initiatives could include—

(A) new CTR programs and projects in Asia and the Middle East;

(B) activities relating to the denuclearization of the Democratic People's Republic on Korea and security of the Korean peninsula; and

(C) development of rapid-response and short-term capabilities to respond to unforeseen contingencies or pursue quickly emergent opportunities.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to analyze options for strengthening and expanding the CTR Program.

(2) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under paragraph (1) to include—

(A) an assessment of each new CTR initiative described in subsection (a); and

(B) an identification of options and formulation of recommendations for strengthening and expanding the CTR Program.

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees, and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report on new CTR initiatives. The report shall include—

(A) the results of the study carried out under subsection (b), including any report or other document received from the National Academy of Sciences with respect to such study;

(B) the Secretary's assessment of the study; and

(C) a specific action plan for the development and implementation of new CTR initiatives and the use of any funds authorized and appropriated for fiscal year 2008 for such initiatives, which shall include a discussion of each new CTR initiative described in subsection (a) and the action plan for implementing the recommendations, if any, of the study carried out under subsection (b) that the Secretary has decided to pursue.

(2) CLASSIFICATION.—The report shall be in unclassified form but may include a classified annex if necessary.

(d) FUNDING.—Of the amounts made available pursuant to the authorization of appropriations in section 301(19) for new CTR initiatives under the CTR Program, $1,000,000 shall be available to carry out this section.

SEC. 1304. REQUIREMENTS RELATING TO CHEMICAL WEAPONS DESTRUCTION AT SHCHUCH'YE, RUSSIA.

(a) NOTICE OF AGREEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the commencement of negotiations for, or the signing and finalization of, an agreement described in paragraph (2), the Secretary of Defense shall provide the congressional defense committees with formal written notice of the commencement of negotiations for that agreement or the signing or finalization of that agreement, as the case may be.

(2) AGREEMENT.—Paragraph (1) applies to any agreement with the Russian Federation, the implementation of which would have the effect of—

(A) transferring to Russia any responsibilities relating to the scope of work for the Shchuch'ye project that are, as of the date of the enactment of this Act, responsibilities of the Department of Defense; or

(B) otherwise changing the implementation of the project in any manner inconsistent with the purpose and intent of the amounts authorized and appropriated for the project.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Shchuch'ye project. The report shall include—

(1) a current and detailed cost estimate for completion of the project; and

(2) a specific strategic and operating plan for completion of the project, which includes—

(A) active engagement with Russia on securing appropriate contractors and other matters relating to project completion;

(B) a comprehensive assessment of alternative contracting options;

(C) robust Department project management and oversight, including management and oversight with respect to the performance of any contractors;

(D) project quality assurance and sustainability measures, including measures to ensure security of the chemical weapons stockpile at the project site;

(E) metrics for measuring project progress with a timetable for achieving goals;

(F) coordination of the Department's efforts relating to the project with the Department of Energy and other departments or agencies of the United States Government, international partners, and non-governmental experts who may be helpful in facilitating the project; and

(G) a project completion date.

(c) SUBMISSIONS REQUIRED BEFORE IMPLEMENTATION OF AGREEMENT.—The Secretary of Defense may not implement any agreement described in subsection (a)(2) until 90 days after the date on which the Secretary has submitted to the congressional defense committees all of the following:

(1) The report required by subsection (b).

(2) A copy of the signed and finalized agreement.

(3) The Secretary's certification that the signed and finalized agreement accomplishes each of the following:

(A) Describes the respective responsibilities of the Department and Russia relating to completion of the Shchuch'ye project, including in the areas of management, oversight, implementation, security, quality assurance, and sustainability.

(B) Specifies the date of project completion.

(C) Provides the safeguards needed to ensure timely and effective project completion.

(D) Ensures that the chemical weapons stockpile at the project site is secure.

(d) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required by subsection (b) with regular briefings to the congressional defense committees on the subject matter of the report.

(e) DEFINITION.—In this section, the terms ''Shchuch'ye project'' and ''project'' mean the Cooperative Threat Reduction (CTR) Program chemical weapons destruction project located in the area of Shchuch'ye in Russia.

SEC. 1305. REPEAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAM.

(a) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(b) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(c) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

SEC. 1306. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended in subsection (a)—

(1) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(2) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,''.

(b) REPEAL OF FUNDING LIMITATION.—Section 1308 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of that Act is further amended in subsection (d)—

(1) in paragraph (1)—

(A) by striking ''The President may not'' and inserting ''The Secretary of Defense may not''; and

(B) by striking ''until the President'' and inserting ''until the Secretary of Defense'';

(2) in paragraph (2)—

(A) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(B) by striking ''the President shall'' and inserting ''the Secretary of Defense shall''; and

(C) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate''; and

(3) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

TITLE XIV—WOUNDED WARRIOR ASSISTANCE

Sec. 1401. Definitions.

Subtitle A—Improved Assistance for Wounded Warriors

Sec. 1411. Improvements to medical and dental care for members of the Armed Forces assigned to hospitals in an outpatient status.

Sec. 1412. Establishment of a Department of Defense-wide Ombudsman Office.

Sec. 1413. Establishment of toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.

Sec. 1414. Notification to Congress of hospitalization of combat wounded service members.

Sec. 1415. Independent medical advocate for members before medical evaluation boards.

Sec. 1416. Training and workload for physical evaluation board liaison officers.

Sec. 1417. Standardized training program and curriculum for Department of Defense disability evaluation system.

Sec. 1418. Improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members.

Sec. 1419. Pilot program to establish an Army Wounded Warrior Battalion at an appropriate active duty base.

Sec. 1420. Criteria for removal of member from temporary disability retired list.

Sec. 1421. Improved transition of members of the Armed Forces to Department of Veterans Affairs upon retirement or separation.

Sec. 1422. Establishment of Medical Support Fund for support of members of the Armed Forces returning to military service or civilian life.

Sec. 1423. Oversight Board for Wounded Warriors.

Sec. 1424. Option for members of reserve components to use military medical treatment facilities closest to home for certain injuries.

Sec. 1425. Plans and research for reducing post traumatic stress disorder.

Subtitle B—Studies and Reports

Sec. 1431. Annual report on military medical facilities.

Sec. 1432. Access of recovering service members to adequate outpatient residential facilities.

Sec. 1433. Evaluation and report on Department of Defense and Department of Veterans Affairs disability evaluation systems.

Sec. 1434. Study and report on support services for families of recovering service members.

Sec. 1435. Report on traumatic brain injury classifications.

Sec. 1436. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer Program.

Sec. 1437. Study and report on standard soldier patient tracking system.

Sec. 1438. Study and report on waiting periods for appointments at Department of Veterans Affairs medical facilities.

Subtitle C—General Provisions

Sec. 1451. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.

Sec. 1452. Prohibition on transfer of resources from medical care.

Sec. 1453. Increase in physicians at hospitals of the Department of Veterans Affairs.

SEC. 1401. DEFINITIONS.

In this title:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) DISABILITY EVALUATION SYSTEM.—The term ''disability evaluation system'' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.

(3) FAMILY MEMBER.—The term ''family member'', with respect to a recovering service member, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) RECOVERING SERVICE MEMBER.—The term ''recovering service member'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

(5) MEDICAL CARE.—The term ''medical care'' includes mental health care.

Subtitle A—Improved Assistance for Wounded Warriors

SEC. 1411. IMPROVEMENTS TO MEDICAL AND DENTAL CARE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.

(a) MEDICAL AND DENTAL CARE OF MEMBERS ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074k the following new section:

''§ 1074l. Management of medical and dental care: members assigned to receive care in an outpatient status

''(a) MEDICAL CARE CASE MANAGERS.—(1) A member in an outpatient status at a military medical treatment facility shall be assigned a medical care case manager.

''(2)(A) The duties of the medical care case manager shall include the following with respect to the member (or the member's immediate family if the member is incapable of making judgments about personal medical care):

''(i) To assist in understanding the member's medical status.

''(ii) To assist in receiving prescribed medical care.

''(iii) To conduct a review, at least once a week, of the member's medical status.

''(B) The weekly medical status review described in subparagraph (A)(iii) shall be conducted in person with the member. If such a review is not practicable, the medical care case manager shall provide a written statement to the case manager's supervisor indicating why an in-person medical status review was not possible.

''(3)(A) Except as provided in subparagraph (B), each medical care case manager shall be assigned to manage not more than 17 members in an outpatient status.

''(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

''(4)(A) The medical care case manager office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code.

''(B) For purposes of subparagraph (A), an appropriate military occupation specialty, designator, or specialty code includes membership in the Army Medical Corps, Army Medical Service Corps, Army Nurse Corps, Navy Medical Corps, Navy Medical Service Corps, Navy Nurse Corps, Air Force Medical Service, or other corps comprised of health care professionals at the discretion of the Secretary of Defense.

''(5) The Secretary of Defense shall establish a standard training program and curriculum for medical care case managers. Successful completion of the training program is required before a person may assume the duties of a medical care case manager.

''(6) The Secretary concerned shall ensure that medical care case managers have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position.

''(b) SERVICE MEMBER ADVOCATE.—(1) A member in an outpatient status shall be assigned a service member advocate.

''(2) The duties of the service member advocate shall include—

''(A) communicating with the member and with the member's family or other individuals designated by the member;

''(B) assisting with oversight of the member's welfare and quality of life; and

''(C) assisting the member in resolving problems involving financial, administrative, personnel, transitional, and other matters.

''(3)(A) Except as provided in subparagraph (B), each service member advocate shall be assigned to not more than 30 members in an outpatient status.

''(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

''(4) The service member advocate office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code in order to handle service-specific personnel and financial issues.

''(5) The Secretary of Defense shall establish a standard training program and curriculum for service member advocates. Successful completion of the training program is required before a person may assume the duties of a service member advocate.

''(6) A service member advocate shall continue to perform the duties described in paragraph (2) with respect to a member until the member is returned to duty or separated or retired from the armed forces.

''(7) The Secretary concerned shall ensure that service member advocates have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position.

''(c) OUTREACH.—The Secretary of Defense shall make available to each member in an outpatient status at a military medical treatment facility, and to the family members of all such

members, information on the availability of services provided by the medical care case managers and service member advocates, including information on how to contact such managers and advocates and how to use their services.

''(d) SEMIANNUAL SURVEYS BY SECRETARIES CONCERNED.—The Secretary concerned shall conduct a semiannual survey of members in an outpatient status at installations under the Secretary's supervision. The survey shall include, at a minimum, the members' assessment of the quality of medical care at the facility, the timeliness of medical care at the facility, the adequacy of living facilities and other quality of life programs, the adequacy of case management support, and the fairness and timeliness of the physical disability evaluation system. The survey shall be conducted in coordination with installation medical commanders and authorities, and shall be coordinated with such commanders and authorities before submission to the Secretary.

''(e) DEFINITIONS.—In this section:

''(1) The term 'member in an outpatient status' means a member of the armed forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members receiving medical care as outpatients.

''(2) The term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1074l. Management of medical and dental care: members assigned to receive care in an outpatient status.''.

(b) EFFECTIVE DATE.—Section 1074l of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 1412. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE-WIDE OMBUDSMAN OFFICE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense-wide Ombudsman Office (in this section referred to as the ''Ombudsman Office'') within the Office of the Secretary of Defense.

(b) FUNCTIONS.—

(1) IN GENERAL.—The functions of the Ombudsman Office are to provide policy guidance to, and oversight of, the ombudsman offices in the military departments.

(2) POLICY GUIDANCE.—The Ombudsman Office shall develop policy guidance with respect to the following:

(A) Providing assistance to and answering questions from recovering service members and their families regarding—

(i) administrative processes, financial matters, and non-military related services available to the members and their families throughout the member's evaluation, treatment, and recovery;

(ii) transfer to the care of the Department of Veterans Affairs; and

(iii) support services available upon the member's return home.

(B) Accountability standards, including—

(i) creating and maintaining case files for individual specific questions received, and initiating inquiries and tracking responses for all such questions;

(ii) setting standards for timeliness of responses; and

(iii) setting standards for accountability to recovering service members and their families, including requirements for daily updates to the members and their families about steps being taken to alleviate problems and concerns until problems are addressed.

(c) STATUS REPORTS.—The ombudsman office in each military department shall submit status reports of actions taken to address individual concerns to the Ombudsman Office, at such times as the Ombudsman Office considers appropriate.

(d) RESPONSES FROM OTHER OFFICES.—The Secretary of Defense shall ensure that all other offices within the Department of Defense and the military departments respond in a timely manner to resolve questions and requests from the Ombudsman Office on behalf of recovering service members and their families, including offices responsible for medical matters (including medical holdover processes), financial and accounting matters, legal matters, human resources matters, reserve component matters, installation and management matters, and physical disability matters.

(e) STAFF OF THE OFFICE.—The staff of the Ombudsman Office shall include representatives from each military department, including persons with experience in medical holdover processes and other medical matters.

SEC. 1413. ESTABLISHMENT OF TOLL-FREE HOT LINE FOR REPORTING DEFICIENCIES IN MEDICAL-RELATED SUPPORT FACILITIES AND EXPEDITED RESPONSE TO REPORTS OF DEFICIENCIES.

(a) ESTABLISHMENT.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1567. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities

''(a) TOLL-FREE HOT LINE.—The Secretary of Defense shall establish and maintain a toll-free telephone number (commonly referred to as a 'hot line') at which personnel are accessible at all times to collect, maintain, and update information regarding possible deficiencies in the adequacy, quality, and state of repair of medical-related support facilities. The Secretary shall widely disseminate information regarding the existence and availability of the toll-free telephone number to members of the armed forces and their dependents.

''(b) CONFIDENTIALITY.—(1) Individuals who seek to provide information through use of the toll-free telephone number under subsection (a) shall be notified, immediately before they provide such information, of their option to elect, at their discretion, to have their identity remain confidential.

''(2) In the case of information provided through use of the toll-free telephone number by an individual who elects to maintain the confidentiality of his or her identity, any individual who, by necessity, has had access to such information for purposes of conducting the investigation or executing the response plan required by subsection (c) may not disclose the identity of the individual who provided the information.

''(c) INVESTIGATION AND RESPONSE PLAN.—Not later than 96 hours after a report of deficiencies in the adequacy, quality, or state of repair of a medical-related support facility is received by way of the toll-free telephone number or other source, the Secretary of Defense shall ensure that—

''(1) the deficiencies referred to in the report are investigated; and

''(2) if substantiated, a plan of action for remediation of the deficiencies is developed and implemented.

''(d) RELOCATION.—If the Secretary of Defense determines, on the basis of the investigation conducted in response to a report of deficiencies at a medical-related support facility, that conditions at the facility violate health and safety standards, the Secretary shall relocate the occupants of the facility while the violations are corrected.

''(e) MEDICAL-RELATED SUPPORT FACILITY DEFINED.—In this section, the term 'medical-related support facility' means any facility of the Department of Defense that provides support to any of the following:

''(1) Members of the armed forces admitted for treatment to a military medical treatment facility.

''(2) Members of the armed forces assigned to a military medical treatment facility as an outpatient.

''(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.''.

(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. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities.''.

(c) EFFECTIVE DATE.—The toll-free telephone number required to be established by section 1567 of title 10, United States Code, as added by subsection (a), shall be fully operational not later than 180 days after the date of the enactment of this Act.

SEC. 1414. NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT WOUNDED SERVICE MEMBERS.

(a) NOTIFICATION REQUIRED.—Chapter 55 of title 10, United States Code, is further amended by inserting after section 1074l the following new section:

''§ 1074m. Notification to Congress of hospitalization of combat wounded members

''(a) NOTIFICATION REQUIRED.—The Secretary concerned shall provide notification of the hospitalization of any member of the armed forces evacuated from a theater of combat to the appropriate Members of Congress.

''(b) APPROPRIATE MEMBERS.—In this section, the term 'appropriate Members of Congress', with respect to the member of the armed forces about whom notification is being made, means the Senators and the Members of the House of Representatives representing the States or districts, respectively, that include the member's home of record and, if different, the residence of the next of kin, or a different location as provided by the member.

''(c) CONSENT OF MEMBER REQUIRED.—The notification under subsection (a) may be provided only with the consent of the member of the armed forces about whom notification is to be made. In the case of a member who is unable to provide consent, information and consent may be provided by next of kin.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1074m. Notification to Congress of hospitalization of combat wounded members.''.

SEC. 1415. INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.

(a) ASSIGNMENT OF INDEPENDENT MEDICAL ADVOCATE.—Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.—(1) The Secretary of each military department shall ensure, in the case of any member of the armed forces being considered by a medical evaluation board under that Secretary's supervision, that the member has access to a physician or other appropriate health care professional who is independent of the medical evaluation board.

''(2) The physician or other health care professional assigned to a member shall—

''(A) serve as an advocate for the best interests of the member; and

''(B) provide the member with advice and counsel regarding the medical condition of the

member and the findings and recommendations of the medical evaluation board.''.

(b) CLERICAL AMENDMENTS.—

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

''§ 1222. Physical evaluation boards and medical evaluation boards''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1222 and inserting the following new item:

''1222. Physical evaluation boards and medical evaluation boards.''.

(c) EFFECTIVE DATE.—Subsection (d) of section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to medical evaluation boards convened after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 1416. TRAINING AND WORKLOAD FOR PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) REQUIREMENTS.—Section 1222(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''establishing—'' and all that follows through ''a requirement'' and inserting ''establishing a requirement''; and

(B) by striking ''that Secretary; and'' and all that follows through the end of subparagraph (B) and inserting ''that Secretary. A physical evaluation board liaison officer may not be assigned more than 20 members at any one time, except that the Secretary concerned may authorize the assignment of additional members, for not more than 120 days, if required due to unforeseen circumstances.'';

(2) in paragraph (2), by inserting after ''(2)'' the following new sentences: ''The Secretary of Defense shall establish a standardized training program and curriculum for physical evaluation board liaison officers. Successful completion of the training program is required before a person may assume the duties of a physical evaluation board liaison officer.''; and

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

''(3) In this subsection, the term 'physical evaluation board liaison officer' includes any person designated as, or assigned the duties of, an assistant to a physical evaluation board liaison officer.''.

(b) EFFECTIVE DATE.—The limitation on the maximum number of members of the Armed Forces who may be assigned to a physical evaluation board liaison officer shall take effect 180 days after the date of the enactment of this Act. The training program and curriculum for physical evaluation board liaison officers shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 1417. STANDARDIZED TRAINING PROGRAM AND CURRICULUM FOR DEPARTMENT OF DEFENSE DISABILITY EVALUATION SYSTEM.

(a) TRAINING PROGRAM REQUIRED.—Section 1216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) The Secretary of Defense shall establish a standardized training program and curriculum for persons described in paragraph (2) who are involved in the disability evaluation system. The training under the program shall be provided as soon as practicable in coordination with other training associated with the responsibilities of the person.

''(2) Persons covered by paragraph (1) include—

''(A) Commanders.

''(B) Enlisted members who perform supervisory functions.

''(C) Health care professionals.

''(D) Others persons with administrative, professional, or technical responsibilities in the disability evaluation system.

''(3) In this subsection, the term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.''.

(b) EFFECTIVE DATE.—The standardized training program and curriculum required by subsection (e) of section 1216 of title 10, United States Code, as added by subsection (a), shall be established not later than 180 days after the date of the enactment of this Act.

SEC. 1418. IMPROVED TRAINING FOR HEALTH CARE PROFESSIONALS, MEDICAL CARE CASE MANAGERS, AND SERVICE MEMBER ADVOCATES ON PARTICULAR CONDITIONS OF RECOVERING SERVICE MEMBERS.

(a) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth recommendations for the improvement of the training provided to health care professionals, medical care case managers, and service member advocates who provide care for or assistance to recovering service members. The recommendations shall include, at a minimum, specific recommendations to ensure that such health care professionals, medical care case managers, and service member advocates are adequately trained and able to detect early warning signs of post-traumatic stress disorder (PTSD), suicidal or homicidal thoughts or behaviors, and other behavioral health concerns among recovering service members and make prompt notification to the appropriate health care professionals.

(b) ANNUAL REVIEW OF TRAINING.—Not later than 180 days after the date of the enactment of this Act and annually thereafter throughout the global war on terror, the Secretary shall submit to the appropriate congressional committees a report on the following:

(1) The progress made in providing the training recommended under subsection (a).

(2) The quality of training provided to health care professionals, medical care case managers, and service member advocates, and the number of such professionals, managers, and advocates trained.

(3) The progress made in developing the tracking system under subsection (c) and the results of the system.

(c) TRACKING SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a system to track the number of notifications made by medical care case managers and service member advocates to health care professionals regarding early warning signs of post-traumatic stress disorder and suicide in recovering service members assigned to the managers and advocates.

SEC. 1419. PILOT PROGRAM TO ESTABLISH AN ARMY WOUNDED WARRIOR BATTALION AT AN APPROPRIATE ACTIVE DUTY BASE.

(a) PILOT PROGRAM REQUIRED.—

(1) ESTABLISHMENT.—The Secretary of the Army shall establish a pilot program, at an appropriate active duty base with a major medical facility, based on the Wounded Warrior Regiment program of the Marine Corps. The pilot program shall be known as the Army Wounded Warrior Battalion.

(2) PURPOSE.—Under the pilot program, the Battalion shall track and assist members of the Armed Forces in an outpatient status who are still in need of medical treatment through—

(A) the course of their treatment;

(B) medical and physical evaluation boards;

(C) transition back to their parent units; and

(D) medical retirement and subsequent transition into the Department of Veterans Affairs medical system.

(3) ORGANIZATION.—The commanding officer of the Battalion shall be selected by the Army Chief of Staff and shall be a post-command, at O–5 or O–5 select, with combat experience in Operation Iraqi Freedom or Operation Enduring Freedom. The chain-of-command shall be filled by previously wounded junior officers and noncommissioned officers when available and appropriate.

(4) FACILITIES.—The base selected for the pilot program shall provide adequate physical infrastructure to house the Army Wounded Warrior Battalion. Any funds necessary for construction or renovation of existing facilities shall be allocated from the Department of Defense Medical Support Fund established under this title.

(5) COORDINATION.—The Secretary of the Army shall consult with appropriate Marine Corps counterparts to ensure coordination of best practices and lessons learned.

(6) PERIOD OF PILOT PROGRAM.—The pilot program shall be in effect for a period of one year.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the end of the one-year period for the pilot project, the Secretary of the Army shall submit to Congress a report containing—

(1) an evaluation of the results of the pilot project;

(2) an assessment of the Army's ability to establish Wounded Warrior Battalions at other major Army bases.

(3) recommendations regarding—

(A) the adaptability of the Wounded Warrior Battalion concept for the Army's larger wounded population; and

(B) closer coordination and sharing of resources with counterpart programs of the Marine Corps.

(c) EFFECTIVE DATE.—The pilot program required by this section shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 1420. CRITERIA FOR REMOVAL OF MEMBER FROM TEMPORARY DISABILITY RETIRED LIST.

(a) CRITERIA.—Section 1210(e) of title 10, United States Code, is amended by inserting ''of a permanent nature and stable and is'' after ''physical disability is''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any case received for consideration by a physical evaluation board after the date of the enactment of this Act.

SEC. 1421. IMPROVED TRANSITION OF MEMBERS OF THE ARMED FORCES TO DEPARTMENT OF VETERANS AFFAIRS UPON RETIREMENT OR SEPARATION.

(a) TRANSITION OF MEMBERS SEPARATED OR RETIRED.—

(1) TRANSITION PROCESS.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1142 the following new section:

''§ 1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs

''(a) TRANSITION PLAN.—(1) The Secretary of Defense shall ensure that each member of the armed forces who is being separated or retired under chapter 61 of this title receives a written transition plan that—

''(A) specifies the recommended schedule and milestones for the transition of the member from military service; and

''(B) provides for a coordinated transition of the member from the Department of Defense disability system to the Department of Veterans Affairs.

''(2) A member being separated or retired under chapter 61 of this title shall receive the transition plan before the separation or retirement date of the member.

''(3) The transition plan for a member under this subsection shall include information and guidance designed to assist the member in understanding and meeting the schedule and milestones for the member's transition.

''(b) FORMAL TRANSITION PROCESS.—(1) The Secretary of Defense, in cooperation with the Secretary of Veterans Affairs, shall establish a formal process for the transmittal to the Secretary of Veterans Affairs of the records and other information described in paragraph (2) as part of the separation or retirement of a member of the armed forces under chapter 61 of this title.

''(2) The records and other information to be transmitted under paragraph (1) with respect to a member shall include, at a minimum, the following:

''(A) The member's address and contact information.

''(B) The member's DD–214 discharge form, which shall be transmitted electronically.

''(C) A copy of the member's service record, including medical records and any results of a Physical Evaluation Board.

''(D) Whether the member is entitled to transitional health care, a conversion health policy, or other health benefits through the Department of Defense under section 1145 of this title.

''(E) Any requests by the member for assistance in enrolling in, or completed applications for enrollment in, the health care system of the Department of Veterans Affairs for health care benefits for which the member may be eligible under laws administered by the Secretary of Veterans Affairs.

''(F) Any requests by the member for assistance in applying for, or completed applications for, compensation and vocational rehabilitation benefits to which the member may be entitled under laws administered by the Secretary of Veterans Affairs, if the member is being medically separated or is being retired under chapter 61 of this title.

''(3) The transmittal of information under paragraph (1) may be subject to the consent of the member, as required by statute.

''(4) With the consent of the member, the member's address and contact information shall also be submitted to the department or agency for veterans affairs of the State in which the member intends to reside after the separation or retirement of the member.

''(c) MEETING.—(1) The formal process required by subsection (b) for the transmittal of records and other information with respect to a member shall include a meeting between representatives of the Secretary concerned and the Secretary of Veterans Affairs, which shall take place at a location designated by the Secretaries. The member shall be informed of the meeting at least 30 days in advance of the meeting, except that the member may waive the notice requirement in order to accelerate transmission of the member's records and other information to the Department of Veterans Affairs.

''(2) A member shall be given an opportunity to submit a written statement for consideration by the Secretary of Veterans Affairs.

''(d) TIME FOR TRANSMITTAL OF RECORDS.—The Secretary concerned shall provide for the transmittal to the Department of Veterans Affairs of records and other information with respect to a member at the earliest practicable date. In no case should the transmittal occur later than the date of the separation or retirement of the member.

''(e) ARMED FORCES.—In this section, the term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1142 the following new item:

''1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs.''.

(b) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—Section 1145 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—The joint separation and evaluation physical, as described in DD–2808 and DD–2697, shall be used by the Secretary of Defense in connection with the medical separation or retirement of all members of the armed forces, including members separated or retired under chapter 61 of this title. The Secretary of Veterans Affairs shall adopt the same separation and evaluation physical for use by the Department of Veterans Affairs.''.

(c) INTEROPERABILITY OF CRITICAL MEDICAL INFORMATION AND BI-DIRECTIONAL ACCESS.—

(1) INTEROPERABILITY AND ACCESS IMPROVEMENT.—The Secretary of Defense and Secretary of Veterans Affairs shall jointly establish and implement a process to ensure an interoperable, bi-directional, real-time exchange of critical medical information between the Department of Defense and the Department of Veterans Affairs.

(2) CRITICAL MEDICAL INFORMATION DEFINED.—In this subsection, the term ''critical medical information'' includes, at a minimum, outpatient notes, clinical notes, radiographs, laboratory data, information regarding medications, operation notes, narrative summaries, and discharge summaries.

(d) CO-LOCATION OF VA BENEFIT TEAMS.—

(1) CO-LOCATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly determine the optimal locations for the deployment of Department of Veterans Affairs benefits team to support recovering service members assigned to military medical treatment facilities, medical-related support facilities, and community-based health care organizations.

(2) MILITARY MEDICAL TREATMENT FACILITY DEFINED.—In this subsection, the term ''medical-related support facility'' has the meaning given that term in subsection (b) of section 492 of title 10, United States Code, as added by section 1431(a).

(e) REPEAL OF SUPERSEDED CHAPTER 61 MEDICAL RECORD TRANSMITTAL REQUIREMENT.—

(1) REPEAL.—Section 1142 of such title is amended by striking subsection (c).

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

''§ 1142. Preseparation counseling''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new item:

''1142. Preseparation counseling.''.

(f) EFFECTIVE DATES.—Section 1142a of title 10, United States Code, as added by subsection (a), and subsection (d) of section 1145 of such title, as added by subsection (b), shall apply with respect to members of the Armed Forces who are separated or retired from the Armed Forces on or after the first day of the eighth month beginning after the date of the enactment of this Act. The requirements of subsections (c) and (d), and the amendments made by subsection (e), shall take effect on the first day of such eighth month.

SEC. 1422. ESTABLISHMENT OF MEDICAL SUPPORT FUND FOR SUPPORT OF MEMBERS OF THE ARMED FORCES RETURNING TO MILITARY SERVICE OR CIVILIAN LIFE.

(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury a fund to be known as the Department of Defense Medical Support Fund (hereinafter in this section referred to as the ''Fund''), which shall be administered by the Secretary of the Treasury.

(b) PURPOSES.—The Fund shall be used—

(1) to support programs and activities relating to the medical treatment, care, rehabilitation, recovery, and support of wounded and injured members of the Armed Forces and their return to military service or transition to civilian society; and

(2) to support programs and facilities intended to support the families of wounded and injured members of the Armed Forces.

(c) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(d) TRANSFER OF FUNDS.—

(1) AUTHORITY TO TRANSFER.—The Secretary of Defense may transfer amounts in the Fund to appropriations accounts for military personnel; operation and maintenance; procurement; research, development, test, and evaluation; military construction; and the Defense Health Program. Amounts so transferred shall be merged with and available for the same purposes and for the same time period as the appropriation account to which transferred.

(2) ADDITION TO OTHER AUTHORITY.—The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Department of Defense. Upon a determination that all or part of the amounts transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund.

(3) NOTIFICATION.—The Secretary of Defense shall, not fewer than five days before making a transfer from the Fund, notify the congressional defense committees in writing of the details of the transfer. The Secretary shall provide an summary of transfers from the Fund during a fiscal year in the defense budget materials accompanying the budget for that fiscal year submitted by the President under section 1105(a) of title 31, United States Code.

(e) WOUNDED WARRIOR REGIMENT PROGRAM.—The Secretary of Defense shall ensure that $10,000,000 for fiscal year 2008 is transferred from the Medical Support Fund to support programs, activities, and facilities associated with the Marine Corps Wounded Warrior Regiment program, to be used as follows:

(1) $6,550,000 for Case Management and Patient Support.

(2) $1,200,000 for Wounded Warrior Interim Regimental Headquarters Building conversion.

(3) $1,300,000 for Case Management System Development.

(4) $95,000 for Support Equipment.

(f) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 421 for military personnel accounts, $50,000,000 is authorized for the Department of Defense Medical Support Fund. Such funds shall remain available through September 30, 2008.

SEC. 1423. OVERSIGHT BOARD FOR WOUNDED WARRIORS.

(a) ESTABLISHMENT.—There is hereby established a board to be known as the Oversight Board for Wounded Warriors (in this section referred to as the ''Oversight Board'').

(b) COMPOSITION.—The Oversight Board shall be composed of 12 members, of whom—

(1) two shall be appointed by the majority leader of the Senate;

(2) two shall be appointed by the minority leader of the Senate;

(3) two shall be appointed by the Speaker of the House of Representatives;

(4) two shall be appointed by the minority leader of the House of Representatives;

(5) two shall be appointed by the Secretary of Veterans Affairs; and

(6) two shall be appointed by the Secretary of Defense.

(c) QUALIFICATIONS.—All members of the Oversight Board shall have sufficient knowledge of, or experience with, the military healthcare system, the disability evaluation system, or the experience of a recovering service member or family member of a recovering service member.

(d) APPOINTMENT.—

(1) TERM.—Each member of the Oversight Board shall be appointed for a term of three years. A member may be reappointed for one or more additional terms.

(2) VACANCIES.—Any vacancy in the Oversight Board shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—

(1) ADVICE AND CONSULTATION.—The Oversight Board shall provide advice and consultation to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives regarding—

(A) the process for streamlining the disability evaluation systems of the military departments;

(B) the process for correcting and improving the ratios of case managers and service member advocates to recovering service members;

(C) the need to revise Department of Defense policies to improve the experience of recovering service members while under Department of Defense care;

(D) the need to revise Department of Defense policies to improve counseling, outreach, and general services provided to family members of recovering service members;

(E) the need to revise Department of Defense policies regarding the provision of quality lodging to recovering service members; and

(F) such other matters relating to the evaluation and care of recovering service members, including evaluation under disability evaluation systems, as the Board considers appropriate.

(2) VISITS TO MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out its duties, each member of the Oversight Board shall visit not less than three military medical treatment facilities each year, and the Board shall conduct each year one meeting of all the members of the Board at a military medical treatment facility.

(f) STAFF.—The Secretary shall make available the services of at least two officials or employees of the Department of Defense to provide support and assistance to members of the Oversight Board.

(g) TRAVEL EXPENSES.—Members of the Oversight Board 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, United States Code, while away from their homes or regular places of business in the performance of service for the Oversight Board.

(h) ANNUAL REPORTS.—The Oversight Board shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives each year a report on its activities during the preceding year, including any findings and recommendations of the Oversight Board as a result of such activities.

SEC. 1424. OPTION FOR MEMBERS OF RESERVE COMPONENTS TO USE MILITARY MEDICAL TREATMENT FACILITIES CLOSEST TO HOME FOR CERTAIN INJURIES.

The Secretary of Defense shall expand the opportunities for recovering service members of the reserve components to receive treatment on an outpatient basis at a military medical treatment facility or other location designated by the Secretary closest to the member's home rather than closest to the base from which the member was deployed.

SEC. 1425. PLANS AND RESEARCH FOR REDUCING POST TRAUMATIC STRESS DISORDER.

(a) PLANS FOR REDUCING POST TRAUMATIC STRESS DISORDER.—

(1) PLAN FOR PREVENTION.—

(A) IN GENERAL.—The Secretary of Defense shall develop a plan to incorporate evidence-based preventive and early-intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions) into—

(i) basic and pre-deployment training for enlisted members of the Armed Forces, noncommissioned officers, and officers;

(ii) combat theater operations; and

(iii) post-deployment service.

(B) UPDATES.—The Secretary of Defense shall update the plan under subparagraph (A) periodically to incorporate, as the Secretary considers appropriate, the results of relevant research, including research conducted pursuant to subsection (b).

(2) RESEARCH.—Subject to subsection (b), the Secretary of Defense shall develop a plan, in consultation with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences, to conduct such research as is necessary to develop the plan described in paragraph (1).

(b) EVIDENCE-BASED RESEARCH AND TRAINING.—

(1) WORKING GROUP.—The Secretary of Defense shall conduct a study, in coordination with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences' Institute of Medicine, to determine the feasibility of establishing a working group tasked with researching and developing evidence-based measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychological pathologies (including substance use conditions). The working group shall include personnel with experience in a combat theater, and behavioral health personnel who have experience providing treatment to individuals with experience in a combat theater.

(2) PEER-REVIEWED RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for a peer-reviewed research program within the Defense Health Program's research and development function to research and develop evidence-based preventive and early intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions).

(c) REPORT.—The Secretary of Defense shall submit to Congress a report on the plans and studies required under this section.

Subtitle B—Studies and Reports

SEC. 1431. ANNUAL REPORT ON MILITARY MEDICAL FACILITIES.

(a) IN GENERAL.—

(1) REPORT REQUIREMENT.—Chapter 23 of title 10, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

"§ 492. Annual report on military medical facilities

''(a) ANNUAL REPORT.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy, suitability, and quality of medical facilities and medical-related support facilities at each military installation within the Department of Defense.

''(b) RESPONSE TO HOT-LINE INFORMATION.—The Secretary of Defense shall include in each report information regarding—

''(1) any deficiencies in the adequacy, quality, or state of repair of medical-related support facilities raised as a result of information received during the period covered by the report through the toll-free hot line maintained pursuant to section 1567 of this title; and

''(2) the investigations conducted and plans of action prepared under such section to respond to such deficiencies.

''(c) MEDICAL-RELATED SUPPORT FACILITY.—In this section, the term 'medical-related support facility' is any facility of the Department of Defense that provides support to any of the following:

''(1) Members of the armed forces admitted for treatment to military medical treatment facilities.

''(2) Members of the armed forces assigned to military medical treatment facilities as an outpatient.

''(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''492. Annual report on military medical facilities.''.

(b) EFFECTIVE DATE.—The first report under section 492 of title 10, United States Code, as added by subsection (a), shall be submitted not later than the date of submission of the budget for fiscal year 2009.

SEC. 1432. ACCESS OF RECOVERING SERVICE MEMBERS TO ADEQUATE OUTPATIENT RESIDENTIAL FACILITIES.

(a) REQUIRED INSPECTIONS OF FACILITIES.—All quarters of the United States and housing facilities under the jurisdiction of the Armed Forces that are occupied by recovering service members shall be inspected on a semiannual basis for the first two years after the enactment of this Act and annually thereafter by the inspectors general of the regional medical commands.

(b) INSPECTOR GENERAL REPORTS.—The inspector general for each regional medical command shall—

(1) submit a report on each inspection of a facility conducted under subsection (a) to the post commander at such facility, the commanding officer of the hospital affiliated with such facility, the surgeon general of the military department that operates such hospital, the Secretary of the military department concerned, the Assistant Secretary of Defense for Health Affairs, the Oversight Board for Wounded Warriors established pursuant to section 1423, and the appropriate congressional committees; and

(2) post each such report on the Internet website of such regional medical command.

SEC. 1433. EVALUATION AND REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS DISABILITY EVALUATION SYSTEMS.

(a) EVALUATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall conduct a joint evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs for the purpose of—

(1) improving the consistency of the two disability evaluation systems; and

(2) evaluating the feasibility of, and potential options for, consolidating the two systems.

(b) RELATION TO VETERANS' DISABILITY BENEFITS COMMISSION.—In conducting the evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall consider the findings and recommendations of the Veterans' Disability Benefits Commission established pursuant to title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 38 U.S.C. 1101 note).

(c) REPORT.—Not later than 180 days after the date of the submission of the final report of the Veterans' Disability Benefits Commission, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) the recommendations of the Secretaries for improving the consistency of the two disability evaluation systems and such other recommendations as the Secretaries consider appropriate.

SEC. 1434. STUDY AND REPORT ON SUPPORT SERVICES FOR FAMILIES OF RECOVERING SERVICE MEMBERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the provision of support services for families of recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) A determination of the types of support services that are currently provided by the Department of Defense to family members described in subsection (c), and the cost of providing such services.

(2) A determination of additional types of support services that would be feasible for the Department to provide to such family members, and the costs of providing such services, including the following types of services:

(A) The provision of medical care at military medical treatment facilities.

(B) The provision of job placement services offered by the Department of Defense to any family member caring for a recovering service member for more than 45 days during a one-year period.

(C) The provision of meals without charge at military medical treatment facilities.

(3) A survey of military medical treatment facilities to estimate the number of family members to whom the support services would be provided.

(4) A determination of any discrimination in employment that such family members experience, including denial of retention in employment, promotion, or any benefit of employment by an employer on the basis of the person's absence from employment as described in subsection (c), and a determination, in consultation with the Secretary of Labor, of the options available for such family members.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering service member who is—

(1) on invitational orders while caring for the recovering service member;

(2) a non-medical attendee caring for the recovering service member; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering service member.

(d) REPORT.—Not later than 180 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 on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 1435. REPORT ON TRAUMATIC BRAIN INJURY CLASSIFICATIONS.

(a) INTERIM REPORT.—Not later than 90 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 an interim report describing the changes undertaken within the Department of Defense to ensure that traumatic brain injury victims receive a proper medical designation concomitant with their injury as opposed to the current medical designation which assigns a generic ''organic psychiatric disorder'' classification.

(b) FINAL REPORT.—Not later than 180 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 final report concerning traumatic brain injury classifications and an explanation and justification of the Department's use of the international classification of disease (ICD) 9 designation, recommendations for transitioning to ICD 10 or 11, and the benefits the civilian community experiences from using ICD 10.

SEC. 1436. EVALUATION OF THE POLYTRAUMA LIAISON OFFICER/NON-COMMISSIONED OFFICER PROGRAM.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall conduct an evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program, which is the program operated by each of the military departments and the Department of Veterans Affairs for the purpose of—

(1) assisting in the seamless transition of members of the Armed Forces from the Department of Defense health care system to the Department of Veterans Affairs system; and

(2) expediting the flow of information and communication between military treatment facilities and the Veterans Affairs Polytrauma Centers.

(b) MATTERS COVERED.—The evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program shall include evaluating the following areas:

(1) The program's effectiveness in the following areas:

(A) Handling of military patient transfers.

(B) Ability to access military records in a timely manner.

(C) Collaboration with Polytrauma Center treatment teams.

(D) Collaboration with Veteran Service Organizations.

(E) Functioning as the Polytrauma Center's subject-matter expert on military issues.

(F) Supporting and assisting family members.

(G) Providing education, information, and referrals to members of the Armed Forces and their family members.

(H) Functioning as uniformed advocates for members of the Armed Forces and their family members.

(I) Inclusion in Polytrauma Center meetings.

(J) Completion of required administrative reporting.

(K) Ability to provide necessary administrative support to all members of the Armed Forces.

(2) Manpower requirements to effectively carry out all required functions of the Polytrauma Liaison Officer/Non-Commissioned Officer program given current and expected case loads.

(3) Expansion of the program to incorporate Navy and Marine Corps officers and senior enlisted personnel.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) recommendations for any improvements in the program.

SEC. 1437. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility of developing a joint soldier tracking system for recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) Review of the feasibility of allowing each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A determination of whether the tracking system can be designed to ensure that—

(A) the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member; and

(B) each recovering service member is able to know when his appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(3) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(c) REPORT.—Not later than 180 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 on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 1438. STUDY AND REPORT ON WAITING PERIODS FOR APPOINTMENTS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the average length of time between the desired date for which a veteran seeks to schedule an appointment for health care at a Department of Veterans Affairs medical facility and the date on which such appointment is completed.

(b) FOCUS OF STUDY.—In conducting the study under subsection (a), the Secretary shall focus on appointments scheduled and completed at Department medical facilities located in both rural and urban areas.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings of the study under subsection (a) and recommendations for decreasing the waiting time between the desired date of an appointment and the completion of the appointment to a maximum of 15 days.

Subtitle C—General Provisions

SEC. 1451. MORATORIUM ON CONVERSION TO CONTRACTOR PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS AT MILITARY MEDICAL FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The conduct of public-private competitions for the performance of Department of Defense functions, based on Office of Management and Budget Circular A–76, can lead to dramatic reductions in the workforce, undermining an agency's ability to perform its mission.

(2) The Army Garrison commander at the Walter Reed Army Medical Center has stated that the extended A–76 competition process contributed to the departure of highly skilled administrative and maintenance personnel, which led to the problems at the Walter Reed Army Medical Center.

(b) MORATORIUM.—During the one-year period beginning on the date of the enactment of this Act, no study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76 relating to the possible conversion to performance by a contractor of any Department of Defense function carried out at a military medical facility .

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, 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 public-private competitions being conducted for Department of Defense functions carried out at military medical facilities as of the date of the enactment of this Act by each military department and defense agency. Such report shall include—

(1) for each such competition—

(A) the cost of conducting the public-private competition;

(B) the number of military personnel and civilian employees of the Department of Defense affected;

(C) the estimated savings identified and the savings actually achieved;

(D) an evaluation whether the anticipated and budgeted savings can be achieved through a public-private competition; and

(E) the effect of converting the performance of the function to performance by a contractor on the quality of the performance of the function;

(2) a description of any public-private competition the Secretary would conduct if the moratorium under subsection (b) were not in effect; and

(3) an assessment of whether any method of business reform or reengineering other than a public-private competition could, if implemented in the future, achieve any anticipated or budgeted savings.

SEC. 1452. PROHIBITION ON TRANSFER OF RESOURCES FROM MEDICAL CARE.

Neither the Secretary of Defense nor the Secretaries of the military departments may transfer funds or personnel from medical care functions to administrative functions within the Department of Defense in order to comply with the

new administrative requirements imposed by this title or the amendments made by this title.

SEC. 1453. INCREASE IN PHYSICIANS AT HOSPITALS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall increase the number of resident physicians at hospitals of the Department of Veterans Affairs.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose and statement of congressional policy.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.
Sec. 1509. Working capital funds.
Sec. 1510. Other Department of Defense programs.
Sec. 1511. Iraq Freedom Fund.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Authorized Army construction and land acquisition projects.
Sec. 1516. Authorized Navy construction and land acquisition projects.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE AND STATEMENT OF CONGRESSIONAL POLICY.

(a) PURPOSE.—The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2008 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

(b) POLICY.—Congress has provided members of the Armed Forces deployed outside of the United States, and the families of such members, with ongoing funds for their protection and operations and will continue to support their service and valor on behalf of the United States.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,677,706,000.
(2) For ammunition procurement, $313,000,000.
(3) For weapons and tracked combat vehicles procurement, $4,780,172,000.
(4) For missile procurement, $295,626,000.
(5) For other procurement, $11,123,699,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,917,958,000
(2) For weapons procurement, $251,281,000
(3) For other procurement, $727,580,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $3,863,267,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $5,189,709,000.
(2) For ammunition procurement, $74,005,000.
(3) For missile procurement, $1,800,000.
(4) For other procurement, $3,926,810,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,000,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2008.

(d) DURATION OF AUTHORITY.—Section 1514(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $594,768,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $91,278,000.
(2) For the Navy, $516,303,000.
(3) For the Air Force, $816,041,000.
(4) For Defense-wide activities, $727,498,000

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $45,350,964,000
(2) For the Navy, $5,426,407,000.
(3) For the Marine Corps, $4,013,093,000.
(4) For the Air Force, $10,536,330,000.
(5) For Defense-wide activities, $6,098,990,000.
(6) For the Army Reserve , $158,410,000.
(7) For the Navy Reserve, $69,598,000.
(8) For the Marine Corps Reserve, $68,000,000.
(9) For the Army National Guard, $466,150,000.
(10) For the Air National Guard, $31,168,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 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, $1,676,275,000.
(2) For the National Defense Sealift Fund, $5,100,000.

SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,022,842,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $257,618,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $4,394,000 for operation and maintenance.

SEC. 1511. IRAQ FREEDOM FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE, TRANSFER, AND OTHER REQUIREMENTS REGARDING FUNDS.—Subsections (b), (c) and (d) of section 1516 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2441) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) DURATION OF AUTHORITY.—Section 1516(g) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE, TRANSFER, AND OTHER REQUIREMENTS REGARDING FUNDS.—Subsections (b), (c) and (d) of section 1517 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2442) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) DURATION OF AUTHORITY.—Section 1517(g) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2008 a total of $17,471,763,000.

SEC. 1515. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZED PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b) 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	$103,000,000
Iraq	Camp Adder	$31,850,000
	Al Asad	$46,100,000
	Camp Anaconda	$49,200,000
	Fallujah	$880,000
	Camp Marez	$880,000
	Mosul	$43,000,000
	Camp Ramadi	$880,000
	Scania	$5,000,000
	Camp Speicher ...	$54,900,000
	Camp Taqqadum	$880,000
	Tikrit	$43,000,000
	Camp Victory	$24,600,000
	Camp Warrior ...	$880,000
	Various Locations.	$102,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—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 $526,450,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $507,050,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

SEC. 1516. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZED PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b), 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	$102,034,000
	Twenty-Nine Palms	$4,440,000
North Carolina.	Camp Lejeune	$43,310,000

(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, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $169,071,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $149,814,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $7,491,000.

(3) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—NATIONAL GUARD ENHANCEMENT

Sec. 1601. Short title.

Subtitle A—National Guard Bureau

Sec. 1611. Enhancement of duties and position of Chief of the National Guard Bureau.
Sec. 1612. Establishment of National Guard Bureau as joint activity of Department of Defense.
Sec. 1613. Enhancement of functions of National Guard Bureau.
Sec. 1614. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.
Sec. 1615. Determination of Department of Defense civil support requirements.
Sec. 1616. Conforming and clerical amendments.

Subtitle B—Additional Reserve Component Enhancement

Sec. 1621. United States Northern Command.
Sec. 1622. Council of Governors.
Sec. 1623. Reserve Components Policy Board.
Sec. 1624. Requirements for certain high-level positions to be held by reserve component general or flag officers.
Sec. 1625. Retirement age and years of service limitations on certain reserve general and flag officers.
Sec. 1626. Additional reporting requirements relating to National Guard equipment.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment Act''.

Subtitle A—National Guard Bureau

SEC. 1611. ENHANCEMENT OF DUTIES AND POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.

(a) PRINCIPAL ADVISER TO SECRETARY OF DEFENSE THROUGH CHAIRMAN OF JOINT CHIEFS OF STAFF ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting after ''principal adviser'' the following: ''to the Secretary of Defense (through the Chairman of the Joint Chiefs of Staff),''.

(b) ADVISER TO COMMANDER OF THE UNITED STATES NORTHERN COMMAND AND SECRETARY OF HOMELAND SECURITY.—Subsection (c) of such section is further amended—

(1) by inserting ''(1)'' before ''The Chief''; and

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

''(2) The Chief of the National Guard Bureau also is an adviser on such matters to the commander of the combatant command the geographic area of responsibility of which includes the United States and to the Secretary of Homeland Security.''.

(c) APPOINTMENT TO OFFICE IN GRADE OF GENERAL.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(d) APPOINTMENT PROCESS.—Subsection (a) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting ''(1)'' before ''There is''; and

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

''(2) The Secretary of Defense shall establish a process to identify, from among the officers of the Army National Guard of the United States and Air National Guard of the United States recommended under paragraph (1)(A), the best qualified officer or officers whom the Secretary of Defense will recommend for consideration by the President for appointment as Chief of the National Guard Bureau.

''(3) In establishing the process under paragraph (2), the Secretary of Defense shall—

''(A) consider such procedural recommendations as the current Chief of the National Guard Bureau may provide;

''(B) employ a selection advisory board, which shall be appointed, charted, and instructed by agreement between the Secretary of the Army and the Secretary of the Air Force; and

''(C) incorporate the requirements of section 601(d) of this title relating to a performance evaluation and necessary qualifications for the position.''.

(e) REPEAL OF PROHIBITION ON CHIEF HOLDING OFFICE AFTER AGE 64.—Subsection (b) of such section is amended by striking ''An officer may not hold that office after becoming 64 years of age.''.

(f) APPOINTMENT OF NEXT CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the President recommendations regarding the best qualified officer or officers for consideration by the President for appointment as the next Chief of the National Guard Bureau under section 10502 of title 10, United States Code, as amended by this section. The amendments made by subsections (c), (d), and (e) shall apply with respect to such appointment. The officer serving in the office of Chief of the National Guard Bureau as of the date of the enactment of this Act may be recommended for appointment and appointed to that office to serve in the grade of general.

SEC. 1612. ESTABLISHMENT OF NATIONAL GUARD BUREAU AS JOINT ACTIVITY OF DEPARTMENT OF DEFENSE.

(a) JOINT ACTIVITY OF THE DEPARTMENT OF DEFENSE.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(b) JOINT MANPOWER REQUIREMENTS.—

(1) IN GENERAL.—Chapter 1011 of such title is amended by adding at the end the following new section:

''§ 10508. National Guard Bureau: general provisions

''The manpower requirements of the National Guard Bureau as a joint activity of the Department of Defense shall be determined in accordance with regulations prescribed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''10508. National Guard Bureau: general provisions.''.

SEC. 1613. ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.

(a) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(1) by predesignating paragraph (12), as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph (12):

''(12)(A) Facilitating and coordinating with the entities listed in subparagraph (B) the use of National Guard personnel and resources for operations conducted under title 32, or in support of State missions.

''(B) The entities listed in this subparagraph for purposes of subparagraph (A) are the following:

''(I) Other Federal agencies.

''(ii) The Adjutants General of the States.

''(iii) The United States Joint Forces Command.

''(iv) The combatant command the geographic area of responsibility of which includes the United States,''.

(b) CHARTER DEVELOPED AND PRESCRIBED BY SECRETARY OF DEFENSE.—Section 10503 of such title is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop'' and inserting ''The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop''; and

(B) by striking ''cover'' in the second sentence and inserting ''reflect the full scope of the duties and activities of the Bureau, including'' ; and

(2) in paragraph (12), by striking ''the Secretaries'' and inserting ''the Secretary of Defense''.

SEC. 1614. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards: Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

SEC. 1615. DETERMINATION OF DEPARTMENT OF DEFENSE CIVIL SUPPORT REQUIREMENTS.

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

(b) PLAN FOR FUNDING CAPABILITIES.—

(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

(A) The military-unique capabilities determined under subsection (a).

(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the armed forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) TERM OF PLAN.—The plan required under paragraph (1) shall cover at least five years.

(c) BUDGET.—The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

(d) IMPLEMENTATION.—In carrying out this section, the Secretary of Defense, acting through the chairman of the Joint Chiefs of Staff, shall ensure the appropriate assignment of responsibilities, coordination of the efforts, and prioritization of renouncing by the appropriate combatant commands, the military departments, and the National Guard Bureau.

(e) DEFINITIONS.—In this section:

(1) The term ''military-unique capabilities'' means those capabilities that, in the view of the Secretary of Defense—

(A) cannot be provided by other Federal, State or local civilian agencies; and

(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

(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.

(f) STRATEGIC PLANNING GUIDANCE.—Section 113(g)(2) of title 10, United States Code, is amended by striking ''contingency plans'' at the end of the first sentence and inserting the following: ''contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities''.

SEC. 1616. CONFORMING AND CLERICAL AMENDMENTS.

(a) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new item:

''10503. Functions of National Guard Bureau: charter.''.

Subtitle B—Additional Reserve Component Enhancement

SEC. 1621. UNITED STATES NORTHERN COMMAND.

(a) MANPOWER REVIEW.—

(1) REVIEW BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a review of the civilian and military positions, job descriptions, and assignments within the United States Northern Command with the goal of significantly increasing the number of members of a reserve component assigned to, and civilians employed by, the United States Northern Command who have experience in the planning, training, and employment of forces for homeland defense missions, domestic emergency response, and providing military support to civil authorities.

(2) SUBMISSION OF RESULTS OF REVIEW.—Not later than 90 days after the date on which the Secretary of Defense receives the results of the review under paragraph (1), the Secretary shall submit to Congress a copy of the results of the review, together with such recommendations as the Secretary considers appropriate to achieve the objectives of the review.

(b) COMMAND AND CONTROL OF MIXED-STATUS FORCES IN CERTAIN MISSIONS.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures under which an officer who is on active duty or an officer who is on full-time National Guard duty may command mixed-status forces in connection with the training and use of mixed-status forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) ELEMENTS OF PROCEDURES.—The procedures shall include measures to enable—

(A) the Commander of United States Northern Command and subordinate commanders within the United States Northern Command to exercise command of such mixed-status forces; and

(B) the Adjutant General or other officers of the National Guard of a State to exercise command of such mixed-status forces.

(3) COORDINATION.—The Secretary of Defense shall establish the procedures in coordination with the Chairman of the Joint Chiefs of Staff, the Chief of the National Guard Bureau, and the Governors of the States.

(c) DEFINITIONS.—In this section:

(1) The term ''United States Northern Command'' means the combatant command the geographic area of responsibility of which includes the United States.

(2) the term ''mixed-status forces'' means units and members of the National Guard that are on full-time National Guard duty participating in an encampment, maneuver, training exercise, or operation with members of the armed forces on active duty.

(3) The term ''State'' means the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(4) The term ''Governor'', with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

(5) The terms ''active duty'' and ''full-time National Guard duty'' have the meanings provided those terms by section 101 of title 10, United States Code.

SEC. 1622. COUNCIL OF GOVERNORS.

The President shall establish a bipartisan Council of Governors to advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions.

SEC. 1623. RESERVE COMPONENTS POLICY BOARD.

(a) RESERVE COMPONENTS POLICY BOARD.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Components Policy Board

''(a) There is in the Office of the Secretary of Defense a Reserve Components Policy Board. The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, independent advice and recommendations on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components of the United States.

''(b) The Board shall consist of 15 members appointed from civilian life by the Secretary of Defense. The Secretary shall designate the chairman and a vice chairman of the Board. Members of the Board shall be appointed without regard to political affiliation, shall be appointed for two-year, renewable terms, and shall have a proven record of high-level achievement in a national security–related field that includes matters pertaining to the reserve components of the United States.

''(c) Members of the Board shall be selected on the basis of knowledge, expertise, or achievement in the following areas:

''(1) The reserve components of the United States.

''(2) The national security and national military strategies of the United States.

''(3) The roles and missions of the active and reserve components of the United States Armed Forces.

''(4) The organization, force structure, and force mix of the United States Armed Forces.

''(5) Acquisition; research and development; military operations; or personnel and compensation programs, policies, and activities of the Department of Defense.

''(6) Homeland defense and support to civil authorities.

''(d) The Chairman shall be selected on the basis of extensive knowledge, expertise, or achievement with respect to the reserve components of the United States, including the National Guard.

''(e) The Under Secretary of Defense for Personnel and Readiness shall provide an executive director and the necessary support staff to manage the activities of the Board in consultation with the Chairman.

''(f) The Board shall act on those matters referred to it by the Secretary of Defense or the Chairman and, in addition, on any matter raised by a member of the Board. As a part of its duties, the Board shall periodically meet with members of the reserve components of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to section 10301 in the table of sections at the beginning of chapter 1009 of such title is amended to read as follows:

''10301. Reserve Components Policy Board.''.

(c) CONFORMING AMENDMENTS.—

(1) Title 10, United States Code, is amended in the following provisions by striking ''Reserve Forces Policy Board'' and inserting ''Reserve Components Policy Board'':

(A) Section 101(d)(6)(B)(i).

(B) Section 113(c)(2) (both places).

(C) Section 175.

(2) The heading of section 175 of such title is amended to read as follows:

''§ 175. Reserve Components Policy Board''.

(3) The item relating to section 175 in the table of sections for chapter 7 of such title is amended to read as follows:

''175. Reserve Components Policy Board.''.

SEC. 1624. REQUIREMENTS FOR CERTAIN HIGH-LEVEL POSITIONS TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICERS.

(a) UNIFIED AND SPECIFIED COMBATANT COMMAND POSITIONS.—Subparagraph (A) of section 526(b)(2) of title 10, United States Code, is amended by striking ''10 general and flag officer positions on the staffs of the commanders of'' and inserting ''15 general and flag officer positions in''.

(b) DESIGNATION OF LIEUTENANT GENERAL OR VICE ADMIRAL POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.—Such subparagraph is further amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) by striking the last sentence; and

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

''(ii) The Chairman of the Joint Chiefs of Staff shall designate up to three general and flag officer positions in the grade of lieutenant general or vice admiral to be held only by reserve component officers. One of the positions designated under this clause shall be the deputy commander of the combatant command the geographic area of responsibility of which includes the United States, unless a reserve component officer is serving as commander of that combatant command. Each position designated under this clause shall be in addition to those positions that are required by law to be filled by an officer serving in the grade of lieutenant general or vice admiral.

''(iii) The positions designated under clauses (i) and (ii) shall be considered a joint duty assignment position for the purposes of chapter 38 of this title.''.

SEC. 1625. RETIREMENT AGE AND YEARS OF SERVICE LIMITATIONS ON CERTAIN RESERVE GENERAL AND FLAG OFFICERS.

(a) RETIREMENT FOR AGE.—

(1) INCLUSION OF RESERVE GENERALS AND ADMIRALS.—Section 14511 of title 10, United States Code, is amended to read as follows:

''§ 14511. Separation at age 64: major generals and generals and rear admirals and admirals

''(a) MAJOR GENERALS AND REAR ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

''(b) GENERALS AND ADMIRALS.—(1) Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

''(2) The retirement of an officer under paragraph (1) may be deferred—

''(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

''(B) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14511 and inserting the following new item:

''14511. Separation at age 64: major generals and generals and rear admirals and admirals.''.

(b) CONFORMING AMENDMENTS AND RESERVE OFFICERS HOLDING CERTAIN OTHER OFFICES.—Section 14512 of such title is amended—

(1) in subsection (a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) The President may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on the total number of officers whose retirement may be deferred at any one time under paragraph (1).''; and

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

''(c) DESIGNATED LIEUTENANT GENERAL OR VICE ADMIRAL POSITIONS HELD BY RESERVE COMPONENT OFFICERS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer serving in one of the general and flag officer positions designated under section 526(b)(2)(A)(ii) of this title to be held by a reserve officer in the grade of lieutenant general or vice admiral shall, on the last day of the month in which the officer becomes 66 years of age, be separated in accordance with section 14515 of this title.''.

(c) IMPOSITION OF YEARS OF SERVICE LIMITATION.—

(1) IMPOSITION OF LIMITATION.—Section 14508 of such title is amended by inserting after subsection (c), as added by section 511, the following new subsection:

''(d) FORTY YEARS OF SERVICE FOR GENERALS AND ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall, 30 days after completion of 40 years of commissioned service, be separated in accordance with section 14514 of this title.''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 10502 of such title, as amended by section 1611(e), is further amended—

(A) by inserting ''(1)'' before the first sentence; and

(B) by striking ''While holding that office'' and inserting the following:

''(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau''.

(d) TREATMENT OF CURRENT CHIEF OF THE NATIONAL GUARD BUREAU.—Section 14512(a) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the officer serving in the office of Chief of the National Guard Bureau as of that date. However, if the officer serving in the office of Chief of the National Guard Bureau as of that date is subsequently appointed to that office to serve in the grade of general, subsection (b) of section 14511 of such title, as added by this section, shall apply.

SEC. 1626. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

TITLE XVII—DEFENSE READINESS PRODUCTION BOARD

Sec. 1701. Purpose.
Sec. 1702. Establishment of Defense Readiness Production Board.
Sec. 1703. Defense Production Industry Advisory Council.
Sec. 1704. Role of Chairman of Board in certain reporting processes.
Sec. 1705. Authority to use multiyear contracts.
Sec. 1706. Transfer authority.
Sec. 1707. Special authority for use of working capital funds for critical readiness requirements.
Sec. 1708. Strategic Readiness Fund.

SEC. 1701. PURPOSE.

The purpose of this title is to establish a Defense Readiness Production Board to identify and designate critical readiness requirements, to improve the utilization of the defense industrial base, and to provide authorities to the Secretary of Defense and the Secretaries of the military departments to address critical readiness requirements.

SEC. 1702. ESTABLISHMENT OF DEFENSE READINESS PRODUCTION BOARD.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Readiness Production Board (in this subtitle referred to as the ''Board'') within the Office of the Secretary of Defense.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 16 members appointed by the Secretary of Defense in accordance with this subsection.

(2) CHAIRMAN.—The Secretary shall appoint a Chairman from within the Office of the Secretary of Defense.

(3) MILITARY PERSONNEL.—The Secretary shall appoint members from among officers of the Armed Forces serving on the joint staff and each of the Armed Forces. In making appointments under this paragraph, the Secretary shall ensure that there is full representation of the reserve components of each of the Armed Forces, including at least two representatives of the National Guard and two individuals with responsibilities relating to a depot activity.

(4) CIVILIAN PERSONNEL.—The Secretary shall appoint members from among civilian employees of the Department of Defense serving in each of the military departments and in such other entities within the Department as the Secretary determines appropriate.

(5) OTHER AGENCIES.—The Secretary may request such representatives from other Federal agencies to serve as members as the Secretary of Defense considers necessary, appropriate, and relevant to the work of the Board.

(6) TERMS; VACANCIES.—The Secretary shall determine the term of office of members of the Board and the manner of filling vacancies on the Board.

(c) FUNCTIONS.—

(1) DESIGNATION OF CRITICAL READINESS REQUIREMENTS.—

(A) The Board shall—

(i) monitor and assess the readiness of the Armed Forces;

(ii) assist the Secretary of Defense and Congress in the identification of deficiencies in the readiness of the Armed Forces caused by shortfalls in weapons systems, equipment, and supplies; and

(iii) identify and formally designate critical readiness requirements.

(B) In this title, the term ''critical readiness requirements'' means shortfalls in equipment or supplies that materially reduce readiness of the Armed Forces and that—

(i) cannot be adequately addressed by identifying acceptable substitute capabilities or cross leveling of equipment that does not unacceptably reduce the readiness of other Armed Forces; and

(ii) that are likely to persist for more than two years based on currently projected budgets and schedules for deliveries of equipment and supplies.

(C) During the period beginning on the date of the enactment of this Act and ending on the date of the first meeting of the Board, the Secretary of Defense may identify and formally designate critical readiness requirements under subparagraph (A)(iii) in lieu of the Board.

(2) MONITORING AND ASSESSMENT OF INDUSTRIAL CAPACITY.—The Board shall also monitor and assess the industrial capacity of all elements of the Department of Defense, the defense industrial base, and non-traditional suppliers to the Department of Defense—

(A) to determine where industrial capacity is being insufficiently used to meet the needs of the Department of Defense, particularly in addressing critical readiness requirements; and

(B) to recommend ways to increase the use of the industrial base, including through encouraging the use of public-private partnerships for existing systems currently maintained outside the depot system as a means of promoting competition, attracting non-traditional suppliers, and expanding the business base of traditional suppliers.

(3) REPORTS AND NOTIFICATIONS.—

(A) The Board shall submit to the Secretary of Defense and to the congressional defense committees reports to communicate its findings and the progress made by the Department of Defense in addressing critical readiness requirements, at such times as it considers necessary, but not less often than every six months.

(B) The Board shall notify the Secretary of Defense and the congressional defense committees within 10 days after it designates a critical readiness requirement under paragraph (1). If the Secretary of Defense designates a critical readiness requirement under paragraph (1)(C) in lieu of the Board, the Secretary shall notify the congressional defense committees within 10 days after such designation.

(d) STAFF.—The Secretary of Defense shall assign staff, and request the Secretaries of the military departments to assign staff, as necessary to assist the Board in carrying out its duties.

(e) TERMINATION.—The Board shall terminate 5 years after the date of its establishment under subsection (a).

SEC. 1703. DEFENSE PRODUCTION INDUSTRY ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Production Industry Advisory Council (in this section referred to as the ''Council'') to advise and assist the Defense Readiness Production Board in fulfilling its duties and functions with respect to the industrial base.

(b) MEMBERSHIP.—The Council shall be composed of 12 members, appointed by the Secretary of Defense in consultation with the Armed Services Committees of the Senate and the House of Representatives from among individuals with knowledge of the defense industrial base, including individuals who—

(1) represent major sectors of defense industry most relevant to the work of the Council;

(2) represent non-traditional suppliers to the Department of Defense from industries most relevant to the work of the Council;

(3) represent suppliers of essential materials most relevant to the work of the Council; and

(4) represent the workforce in the defense industrial base most relevant to the work of the Council.

(c) FUNCTIONS.—The Council shall advise and assist the Defense Readiness Production Board in fulfilling its duties and functions with regard to the industrial base and on such other matters as the Secretary may direct.

(d) REIMBURSEMENT.—The Secretary may provide reimbursement to members of the Council for purposes of attending meetings of the Council, in accordance with Federal guidelines.

(e) TERMINATION.—The Council shall terminate 5 years after the date of its establishment under subsection (a).

SEC. 1704. ROLE OF CHAIRMAN OF BOARD IN CERTAIN REPORTING PROCESSES.

(a) READINESS REPORTING SYSTEM.—

(1) INCLUSION IN JOINT READINESS REVIEWS.—The Chairman of the Board, or a representative of the Chairman, shall be included in the quarterly joint readiness reviews and monthly updates required under section 117(d) of title 10, United States Code.

(2) INCLUSION IN REPORTS.—The Chairman of the Board may submit views to the Secretary of Defense for inclusion in the report submitted to Congress by the Secretary under section 117(e) of such title.

(b) QUARTERLY REPORTS ON MILITARY READINESS.—The Chairman of the Board shall be included in the process for preparing quarterly reports required under section 482 of title 10, United States Code. The Chairman may submit views to the Secretary of Defense for inclusion in such reports.

(c) REPORTS ON FUND TRANSFERS.—The Chairman of the Board shall be included in the process of transferring any funds described in reports submitted under section 483 of title 10, United States Code. The Chairman may submit views to the Secretary of Defense for inclusion in such reports, and if the Chairman determines that any transfer described in a report would negatively affect a critical readiness requirement, shall submit views on such transfer.

SEC. 1705. AUTHORITY TO USE MULTIYEAR CONTRACTS.

(a) IN GENERAL.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of a military department may enter into a multiyear contract to procure an item if such item will fill, or substantially fill, a critical readiness requirement designated by the Board.

(b) LIMITATION ON ITEMS.—The authority under subsection (a) may not be used unless the item to be procured—

(1) is the same or substantially the same as an item procured previously using a multiyear contract;

(2) has been in full-rate production for at least 3 years; or

(3) is a non-developmental commercial item with modifications that are de minimis in nature.

(c) ADDITIONAL LIMITATION.—The authority under subsection (a) may not be used unless the Secretary of the military department concerned—

(1) certifies that the pricing under the contract is fair and reasonable and that the Secretary has all the information necessary to make such certification; and

(2) the congressional defense committees have been notified at least 30 days in advance of the award of the proposed contract, and the notification includes a statement of the cancellation ceiling for the contract.

(d) ACCOUNTING FOR COSTS.—For the purpose of accounting for the costs of contracts entered into under this section, the Department of Defense shall either—

(1) record obligations for the full cost of the contract at the time of contract award; or

(2) record obligations for each fiscal year of the contract equal to the Government's total annual liability, which includes, for a fiscal year, the performance cost of the contract for the fiscal year plus any costs that would be incurred if the contract were cancelled at the end of the fiscal year.

(e) MULTIYEAR CONTRACT DEFINED.—In this section, the term ''multiyear contract'' has the meaning provided in section 2306b(k) of this title.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall include provisions similar to the provisions required under section 2306b(e) of this title (relating to protection of existing authority).

SEC. 1706. TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary of Defense may transfer from amounts described in subsection (b) to other appropriations of the Department of Defense for fiscal year 2008 or any subsequent fiscal year such amounts as the Secretary determines necessary to address critical readiness requirements designated by the Board. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred. The total amount that the Secretary may transfer under the authority of this section in any fiscal year is $1,000,000,000.

(b) AMOUNTS SUBJECT TO TRANSFER.—Transfers under this section may be made only from amounts appropriated to the Department of Defense for fiscal year 2008 or any subsequent fiscal year that remain available for obligation.

(c) ADDITIONAL AUTHORITY.—The authority provided by this section is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense.

SEC. 1707. SPECIAL AUTHORITY FOR USE OF WORKING CAPITAL FUNDS FOR CRITICAL READINESS REQUIREMENTS.

(a) NOTIFICATION TO SECRETARY OF CERTAIN EXPENSES.—The Secretary of a military department shall notify the Secretary of Defense if the Secretary of the military department determines that costs will be incurred for work on a critical readiness program in excess of amounts available in the working capital fund of the military department.

(b) TRANSFER OF FUNDS.—The Secretary of Defense, after receiving a notification under subsection (a), may transfer funds from another working capital fund or other funds available to the Department of Defense for fiscal year 2008 or any subsequent fiscal year sufficient to cover the costs of the critical readiness program. The Secretary of the military department to which the funds are transferred shall notify the congressional defense committees of the transfer within 30 days after the transfer is made.

(c) REQUIREMENT TO REIMBURSE WORKING CAPITAL FUNDS.—In the case of any working capital fund from which a transfer is made under subsection (b), the Secretary of Defense shall, within 12 months after the transfer, reimburse the fund from any of the following:

(1) An appropriation of funds.

(2) Other funds available to the Department of Defense.

(3) If the Secretary is unable to provide reimbursement pursuant to paragraph (1) or (2) within nine months after the transfer, advance billing (under section 2208(i) of title 10, United States Code) from the military department carrying out the critical readiness program.

(d) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority under this section is in addition to any other transfer authority.

(e) CRITICAL READINESS PROGRAM.—In this section, the term ''critical readiness program'' means a program to address a critical readiness requirement designated by the Board.

SEC. 1708. STRATEGIC READINESS FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the Department of Defense Strategic Readiness Fund (in this subsection referred to as the ''Fund''), which shall be administered by the Secretary of the Treasury.

(b) PURPOSES.—The Fund shall be used to address critical readiness requirements designated under section 1701(c).

(c) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(d) TRANSFER OF FUNDS.—

(1) The Secretary of Defense may transfer amounts in the Fund to such appropriations accounts as the Secretary determines appropriate for addressing critical readiness requirements designated under section 1701(c). Amounts so transferred shall be merged with and available for the same purposes and for the same time period as the appropriation account to which transferred.

(2) The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Department of Defense. Upon a determination that all or part of the amounts transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund.

(3) The Secretary of Defense shall notify the congressional defense committees within 30 days after the Secretary makes a transfer under this subsection.

(e) AUTHORIZATION.—There is hereby authorized to be appropriated to the Strategic Readiness Fund $1,000,000,000, to be derived from amounts for Operations and Maintenance under section 1508.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2008''.

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 2006 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
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$105,600,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey	$28,000,000
Colorado	Fort Carson	$157,200,000
Delaware	Dover Air Force Base	$17,500,000
Florida	Eglin Air Force Base	$66,000,000
	Southern Command Headquarters, Miami.	$237,000,000
Georgia	Fort Benning	$185,800,000
	Fort Stewart/Hunter Army Air Field.	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Kahuku Training Area.	$9,200,000
	Schofield Barracks	$88,000,000
	Wheeler Army Air Field.	$51,000,000
Kansas	Fort Leavenworth	$90,800,000
	Fort Riley	$140,200,000
Kentucky	Fort Campbell	$105,000,000
	Fort Knox	$6,700,000
Missouri	Fort Leonard Wood	$129,050,000
Nevada	Hawthorne Army Ammunition Plant.	$11,800,000
New Mexico	White Sands Missile Range.	$71,000,000
New York	Fort Drum	$300,600,000
North Carolina	Fort Bragg	$270,800,000
Oklahoma	Fort Sill	$2,900,000
South Carolina.	Fort Jackson	$85,000,000
Texas	Camp Bullis	$1,600,000
	Corpus Christi	$11,200,000
	Fort Bliss	$111,900,000
	Fort Hood	$138,000,000
	Fort Sam Houston	$19,150,000
	Red River Army Depot.	$9,200,000
Virginia	Fort Belvoir	$13,000,000
	Fort Eustis	$75,000,000
	Fort Lee	$22,600,000
	Fort Myer	$20,800,000
Washington	Fort Lewis	$167,900,000
	Yakima Training Center.	$29,000,000

***Army: Inside the United States**—Continued*

(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	Afghanistan	$13,800,000
Bulgaria	Nevo Selo FOS	$61,000,000
Germany	Grafenwoehr	$62,000,000
Honduras	Various locations	$2,550,000
Italy	Vicenza	$173,000,000
Korea	Camp Humphreys	$57,000,000
Romania	Various locations	$12,600,000

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

State or Country	Installation or Location	Units	Amount
Utah	Dugway Proving Grounds.	28	$5,000,000
Germany	Ansbach	138	$52,000,000

***Army: Family Housing**—Continued*

(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 $2,000,000.

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 $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—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 $5,382,917,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,222,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $381,950,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $27,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $329,547,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $424,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $731,920,000.

(6) For the construction of increment 2 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 Appropriations Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $46,000,000 (the balance of the amount authorized under section 2201(a) for construction of an operations complex at Eglin Air Force Base, Florida).

(3) $70,000,000 (the balance of the amount authorized under section 2201(a) for construction of the United States Southern Command Headquarters, Miami, Florida).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking ''$301,250,000'' in the amount column and inserting ''$308,250,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking ''$77,400,000'' and inserting ''$84,400,000''.

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. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

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(a)(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
Alaska	Outlying Field Evergreen.	$9,560,000
Arizona	Marine Corps Air Station, Yuma.	$33,720,000
California	Marine Corps Air Station, Miramar.	$26,760,000
	Marine Corps Base, Camp Pendleton.	$282,450,000
	Marine Corps Base, Twentynine Palms.	$142,619,000
	Naval Station, San Diego.	$23,630,000
Florida	Marine Corps Logistics Base, Blount Island.	$7,570,000
	Naval Surface Warfare Center, Panama City.	$13,870,000
	Naval Training Center, Corry Field.	$1,600,000
Hawaii	Marine Corps Air Station, Kaneohe.	$37,961,000
	Naval Base, Pearl Harbor.	$99,860,000
	Naval Station Pearl Harbor, Wahiawa.	$65,410,000
Illinois	Naval Training Center, Great Lakes.	$10,221,000
Maryland	Naval Air Warfare Center, Patuxent River.	$38,360,000
	Naval Surface Warfare Center, Indian Head.	$9,500,000
North Carolina	Marine Corps Air Station, Cherry Point.	$28,610,000
	Marine Corps Air Station, New River.	$58,630,000
	Marine Corps Base, Camp Lejeune.	$234,730,000
South Carolina.	Marine Corps Air Station, Beaufort.	$10,300,000
	Marine Corps Recruit Depot, Parris Island.	$55,282,000
Texas	Naval Air Station, Corpus Christi.	$14,290,000
Virginia	Marine Corps Base, Quantico.	$50,519,000
	Naval Station, Norfolk.	$65,360,000
	Naval Support Activity, Chesapeake.	$8,450,000

Navy: Inside the United States—*Continued*

State	Installation or Location	Amount
Washington	Naval Surface Warfare Center, Dahlgren.	$10,000,000
	Naval Air Station, Whidbey Island.	$34,510,000
	Naval Station, Bremerton.	$119,760,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia.	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam.	$278,818,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified.	Wharf Utilities Upgrade.	$8,900,000
	Host Nation Infrastructure.	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands.	Naval Activities, Guam.	73	$57,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—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 $2,804,429,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,493,532,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $343,858,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $111,067,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $298,329,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to 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), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington (formerly referred to as a project at Naval Station, Everett), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.3490), $47,240,000.

(11) For the construction of increment 4 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. 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), $39,750,000.

(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 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $50,000,000 (the balance of the amount authorized under section 2201(b) for construction of a wharf extension in Apra Harbor, Guam.

SEC. 2205. REPEAL OF AUTHORIZATION FOR CONSTRUCTION OF NAVY OUTLYING LANDING FIELD, WASHINGTON COUNTY, NORTH CAROLINA.

(a) REPEAL OF AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) is amended by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina, as added by section 2205(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452).

(b) REPEAL OF INCREMENTAL FUNDING AUTHORITY.—Section 2204(b) of that Act (117 Stat. 1706) is amended by striking paragraph (6).

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the expenditure of funds obligated, before the effective date of this title, for the construction of the Navy Outlying Landing Field, Washington County, North Carolina, or the acquisition of real property to facilitate such construction.

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. Modification of authority to carry out certain fiscal year 2006 project.

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(a)(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
Alaska	Elmendorf Air Force Base.	$70,180,000
Arizona	Davis-Monthan Air Force Base.	$11,200,000
	Kirtland Air Force Base.	$3,700,000
	Luke Air Force Base	$5,500,000
Arkansas	Little Rock Air Force Base.	$9,800,000
California	Edwards Air Force Base.	$8,500,000
	Travis Air Force Base	$37,400,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base.	$24,500,000
	United States Air Force Academy.	$15,000,000
District of Columbia.	Bolling Air Force Base.	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base.	$60,500,000
	Patrick Air Force Base.	$11,854,000
	Tyndall Air Force Base.	$44,114,000
Georgia	Robins Air Force Base	$19,700,000
Hawaii	Hickam Air Force Base.	$31,971,000
Illinois	Scott Air Force Base	$16,700,000
Kansas	Fort Riley	$12,515,000
Missouri	Whiteman Air Force Base.	$11,400,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico	Cannon Air Force Base.	$1,688,000
North Dakota	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base	$34,600,000
South Carolina.	Shaw Air Force Base	$9,300,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Texas	Lackland Air Force Base.	$14,000,000
	Shepard Air Force Base.	$7,000,000
Utah	Hill Air Force Base	$16,799,000
Washington	Fairchild Air Force Base.	$6,200,000
Wyoming	Francis E. Warren Air Force Base.	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(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
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base.	$15,800,000
Qatar	Al Udeid Air Base	$22,300,000
Spain	Moron Air Base	$1,800,000
United Kingdom.	Royal Air Force Lakenheath.	$17,300,000
	Royal Air Force Menwith Hill Station.	$41,000,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Project	$1,500,000
	Classified-Special Evaluation Program.	$13,940,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(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

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base.	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(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 military family housing units in an amount not to exceed $12,210,000.

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(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

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 $2,120,191,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $770,173,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $146,409,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(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, $62,087,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), $25,000,000.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) FURTHER MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking ''$101,500,000'' in the amount column and inserting ''$126,500,000''.

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended is amended by striking ''$23,300,000'' and inserting ''$48,300,000''.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2404. Authorization of appropriations, Defense Agencies.

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 2404(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
North Carolina	Marine Corps Base, Camp Lejeune.	$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia.	Bolling Air Force Base.	$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West.	$1,874,000
Hawaii	Hickam Air Force Base.	$26,000,000
New Mexico	Kirtland Air Force Base.	$1,800,000
Ohio	Defense Supply Center Columbus.	$4,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland.	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$11,901,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton.	$20,030,000
	Naval Amphibious Base, Coronodo.	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base.	$47,700,000
Georgia	Fort Benning	$35,000,000
	Hunter Army Air Field.	$13,800,000
Kentucky	Fort Campbell	$53,500,000
New Mexico	Cannon Air Force Base.	$7,500,000
North Carolina	Fort Bragg	$47,250,000
	Marine Corps Base, Camp Lejeune.	$28,210,000
Virginia	Dam Neck	$113,800,000
	Naval Amphibious Base, Little Creek.	$99,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base.	$5,000,000
Illinois	Naval Hospital, Great Lakes.	$99,000,000
New York	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk.	$6,450,000
Washington	Fort Lewis	$21,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$18,531,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(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 Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	$5,992,000
Germany	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base	$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid AB	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base.	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. 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 2404(a)(9), 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 $8,174,315,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—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 $10,436,164,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $996,883,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,328,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For base closure and realignment activities 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, $230,689,000.

(9) For base closure and realignment activities authorized by section 2403 of this Act and funded through the Department of Defense Base Closure Account 2005 established by 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), $8,174,315,000.

(10) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, 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), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases 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), $150,000,000.

(13) For the construction of increment 3 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 Public Law 109–234 (120 Stat. 485), $100,000,000.

(14) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, 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 7017 of Public Law 109–234 (120 Stat. 485), $136,318,000.

(15) For the construction of increment 8 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), $51,017,000.

(16) For the construction of increment 9 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), $35,159,000.

(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), (2), and (3) of subsection (a).

(2) $84,300,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(a) for the replacement of fuel storage facilities, Point Loma Annex, California).

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, 2007, 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 $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, 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, $425,891,000; and

(B) for the Army Reserve, $133,084,000.

(2) For the Department of the Navy, for the Navy Reserve and Marine Corps Reserve, $59,950,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $111,717,000; and

(B) for the Air Force Reserve, $27,559,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2004 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI 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, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(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, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—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 tables in subsection (b), as provided in section 2101, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii.	Training facility	$35,542,000

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units).	$48,500,000
Vandenberg Air Force Base, California.	Family housing (120 units).	$30,906,000
MacDill Air Force Base, Florida.	Family housing (61 units).	$21,723,000
.....	Housing maintenance facility.	$1,250,000
Whiteman Air Force Base, Missouri.	Family housing (160 units).	$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units).	$32,693,000
Goodfellow Air Force Base, Texas.	Family housing (127 units).	$20,604,000

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia.	DLA bulk fuel storage tank.	$3,589,000
Naval Air Station, Jacksonville, Florida.	TMA hospital project	$28,438,000

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California.	Readiness center	$11,318,000
Gary, Indiana	Reserve center	$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas.	Storage facility	$9,038,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California.	Family housing (56 units).	$12,723,000
Eglin Air Force Base, Florida.	Family housing (279 units).	$32,166,000

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico.	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania.	Multi-purpose training range.	$15,338,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
Sec. 2802. Increased threshold for congressional notification of leases for military family housing facilities in foreign countries.
Sec. 2803. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.
Sec. 2804. Expansion of authority to exchange reserve component facilities.
Sec. 2805. Extension of authority to accept cash equalization payments for reserve component facility exchanges.
Sec. 2806. Authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Continued consolidation of real property provisions without substantive change.
Sec. 2812. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
Sec. 2813. Agreements to limit encroachments and other constraints on military training, testing, and operations.
Sec. 2814. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
Sec. 2815. Retention of proceeds from enhanced use leases at Selfridge Air National Guard Base.
Sec. 2816. Prohibition on commercial flights into Selfridge Air National Guard Base.

Subtitle C—Base Closure and Realignment

Sec. 2821. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.

Subtitle D—Land Conveyances

Sec. 2831. Conditions on acquisition of land for expansion of Pinon Canyon Maneuver Site, Colorado.
Sec. 2832. Grant of easement, Eglin Air Force Base, Florida.
Sec. 2833. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
Sec. 2834. Additional conditions on lease of property for headquarters facility for United States Southern Command, Florida.
Sec. 2835. Transfer of jurisdiction, former Nike missile site, Grosse Isle, Michigan.
Sec. 2836. Land Exchange, Fort Hood, Texas.
Sec. 2837. Exchange of jurisdiction over real property involving Fort Belvoir, Virginia.
Sec. 2838. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Energy Security

Sec. 2851. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
Sec. 2852. Report on opportunities for leveraging funds of the Department of Defense and States to prevent disruption in event of electric grid or pipeline failures.

Subtitle F—Other Matters

Sec. 2861. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2862. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
Sec. 2863. Establishment of national military working dog teams monument on suitable military installation.
Sec. 2864. Naming housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
Sec. 2865. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
Sec. 2866. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
Sec. 2867. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
Sec. 2868. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—Section 2805 of title 10, United States Code, is amended—

(1) by redesignation subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) LABORATORY REVITALIZATION.—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

''(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,000,000; or

''(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $5,000,000.

''(2) For an unspecified minor military construction project conducted pursuant to this subsection, $2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required. The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.

''(3) For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).

''(4) Not later than February 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.

''(5) In this subsection, the term 'laboratory' includes—

''(A) a research, engineering, and development center; and

''(B) a test and evaluation activity.

''(6) The authority to carry out a project under this subsection expires on September 30, 2012.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''APPROVAL AND CONGRESSIONAL NOTIFICATION.—'' after ''(b)'';

(3) in subsection (c), by inserting ''USE OF OPERATION AND MAINTENANCE FUNDS.—'' after ''(c)''; and

(4) in subsection (e), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON USE FOR NEW HOUSING UNITS.—'' after ''(e)''.

SEC. 2802. INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF LEASES FOR MILITARY FAMILY HOUSING FACILITIES IN FOREIGN COUNTRIES.

Section 2828(f) of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 2803. LIMITATION ON USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING FOR PRIVATIZATION OF TEMPORARY LODGING FACILITIES.

(a) PRIVATIZATION LIMITED TO PILOT PROGRAM.—Section 2878 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) LIMITATION ON PRIVATIZATION OF TEMPORARY LODGING FACILITIES.—Notwithstanding any other provision of this subchapter, the privatization of temporary lodging facilities under this subchapter shall be limited to a pilot program to be conducted by the Secretary of the Army at the following military installations:

''(1) Redstone Arsenal, Alabama.
''(2) Fort Rucker, Alabama.
''(3) Yuma Proving Ground, Arizona.
''(4) Fort McNair, District of Columbia.
''(5) Fort Shafter, Hawaii.
''(6) Tripler Army Medical Center, Hawaii.
''(7) Fort Leavenworth, Kansas.
''(8) Fort Riley, Kansas.
''(9) Fort Polk, Louisiana.
''(10) Fort Sill, Oklahoma.
''(11) Fort Hood, Texas.
''(12) Fort Sam Houston, Texas.
''(13) Fort Myer, Virginia.''.

(b) REPORTING REQUIREMENTS.—

(1) REPORT BY SECRETARY OF THE ARMY.—Not later than June 1, 2009, the Secretary of the Army shall submit to the congressional defense committees and the Comptroller General a report that—

(A) describes the implementation of the pilot program authorized by subsection (e) of section 2878 of title 10, United States Code, as added by this section, at the military installations specified in such subsection;

(B) evaluates the efficiency of the program; and

(C) contains such recommendations as the Secretary considers appropriate regarding expansion of the program.

(2) REPORT BY COMPTROLLER GENERAL.—Not later than February 1, 2010, the Comptroller General shall submit to the congressional defense committees a review of the pilot program and of the report of the Secretary.

SEC. 2804. EXPANSION OF AUTHORITY TO EXCHANGE RESERVE COMPONENT FACILITIES.

Section 18240(a) of title 10, United States Code is amended by striking ''with a State'' in the

first sentence and inserting ''with an Executive agency (as defined in section 105 of title 5), the United States Postal Service, a State''.

SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT CASH EQUALIZATION PAYMENTS FOR RESERVE COMPONENT FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2126) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended by striking ''2007'' and inserting ''2008''.

(b) REPEAL OF QUARTERLY REPORTS; ADVANCE NOTICE OF CERTAIN PROJECTS.—Such section is further amended—

(1) in subsection (b), by striking ''Within seven days after'' and inserting ''Except with respect to a construction project described in subsection (d), within seven days after'';

(2) by striking subsection (d) and inserting the following new subsection:

''(d) ADVANCE NOTICE OF CERTAIN CONSTRUCTION PROJECTS.—When a decision is made to use appropriated funds available for operation and maintenance to carry out a construction project outside the United States that has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall notify the congressional committees specified in subsection (f) of that decision, including the information required by subsection (b). The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code. If notice is provided under this subsection with respect to a project, notice is not required under subsection (b) with respect to the same project.''; and

(3) by striking subsection (g) and inserting the following new subsection:

''(g) EFFECT OF FAILURE TO SUBMIT PROJECT NOTIFICATIONS.—If the notices regarding the obligation of the funds for a construction project required by subsection (b) or (d) is not submitted to the congressional committees specified in subsection (f) by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the notice is finally submitted.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONTINUED CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) CONSOLIDATION.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) LAND ACQUISITION OPTIONS IN ADVANCE OF MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the military department under the jurisdiction of the Secretary.

''(2) As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the military department under the jurisdiction of the Secretary for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.''.

(b) REPEAL OF SUPERSEDED PROVISION.—

(1) REPEAL.—Section 2677 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

SEC. 2812. COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES ON CERTAIN SITES OUTSIDE MILITARY INSTALLATIONS.

(a) EXPANDED AUTHORITY.—Section 2684 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''on a military installation'' and inserting ''located on a site authorized by subsection (b)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) AUTHORIZED CULTURAL RESOURCES SITES.—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

''(1) on a military installation; or

''(2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.''.

(b) CULTURAL RESOURCE DEFINED.—Subsection (d) of such section, as redesignated by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order 13007.''.

SEC. 2813. AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) MANAGEMENT OF NATURAL RESOURCES OF ACQUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) An agreement with an eligible entity under this section may provide for the management of natural resources on real property in which the Secretary concerned acquires any right, title, or interest in accordance with this subsection and for the payment by the United States of all or a portion of the costs of such natural resource management if the Secretary concerned determines that there is a demonstrated need to preserve or restore habitat for the purpose described in subsection (a)(2).''.

(b) LIMITATION ON PORTION OF ACQUISITION COSTS BORNE BY UNITED STATES.—Paragraph (4)(C) of such subsection, as redesignated by subsection (a)(1), is amended by striking ''equal to the fair market value'' and all that follows through the period at the end and inserting ''equal to, at the discretion of the Secretary concerned—

''(i) the fair market value of any property or interest in property to be transferred to the United States upon the request of the Secretary concerned under paragraph (5); or

''(ii) the cumulative fair market value of all properties or interests to be transferred to the United States under paragraph (5) pursuant to an agreement under subsection (a).''.

SEC. 2814. EXPANSION TO ALL MILITARY DEPARTMENTS OF ARMY PILOT PROGRAM FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS.

(a) EXPANSION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is amended—

*(1) in the section heading, by striking ''**ARMY**'' and inserting ''**MILITARY**'';*

(2) in subsection (a)—

(A) by striking ''Secretary of the Army'' and inserting ''Secretary of a military department''; and

(B) by striking ''an Army installation'' and inserting ''a military installation under the jurisdiction of the Secretary''; and

(3) in subsection (d), by striking ''The Secretary'' and inserting ''The Secretary of a military department''.

(b) PARTICIPATING INSTALLATIONS.—Subsection (c) of such section is amended by striking ''two Army installations'' and inserting ''three military installations of each branch of the Armed Forces''.

(c) EXTENSION OF DURATION OF PROGRAM.—Such section is further amended by striking subsections (e) and (f) and inserting the following new subsection:

''(e) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate on September 30, 2012. Any contract entered into under the pilot program shall terminate not later than that date.''.

SEC. 2815. RETENTION OF PROCEEDS FROM ENHANCED USE LEASES AT SELFRIDGE AIR NATIONAL GUARD BASE.

Notwithstanding section 2667(e) of title 10, United States Code, or any other provision of law to the contrary, the proceeds derived from the execution of an enhanced use lease at Selfridge Air National Guard Base shall not be disbursed outside of that military installation.

SEC. 2816. PROHIBITION ON COMMERCIAL FLIGHTS INTO SELFRIDGE AIR NATIONAL GUARD BASE.

The Secretary of Defense shall prohibit the use of Selfridge Air National Guard Base by commercial service aircraft.

Subtitle C—Base Closure and Realignment

SEC. 2821. TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 TO DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) TRANSFER AUTHORITY.—Subsection (c) of section 2883 of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005.''; and

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

''(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005.''.

(b) NOTIFICATION.—Subsection (f) of such section is amended by striking ''paragraph (1)(B) or (2)(B)'' and inserting ''subparagraph (B) or (G) of paragraph (1) or subparagraph (B) or (G) of paragraph (2)''.

Subtitle D—Land Conveyances

SEC. 2831. CONDITIONS ON ACQUISITION OF LAND FOR EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.

(a) IMPOSITION OF CONDITIONS.—After completion of the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et

seq.), if the Secretary of the Army decides to acquire real property or an interest in real property located near the Pinon Canyon Maneuver Site in the State of Colorado (in this section referred to as the ''Site'') for the purpose of expanding the Site, the acquisition of such real property shall be subject to the requirements of this section.

(b) LIMITATION ON EXPANSION METHODS.—The Secretary of the Army shall not tender an offer for the acquisition of, or employ condemnation, eminent domain, or seizure of, real property, or interest in real property, for the purpose of expanding the Site until the Secretary has complied with the following:

(1) NEPA REVIEW.—The Secretary of the Army shall complete the requisite reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) USE OF NEGOTIATION.—The Secretary of the Army shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et. seq.) by making every reasonable effort to acquire by negotiation the real property, or interest in real property, such as a lease or easement.

(3) ARBITRATION.—Notwithstanding, and in lieu of, any other provision of law regarding arbitration or alternate dispute resolution, the Secretary of the Army shall notify the property owner or owners of their right to seek third party arbitration, as identified in this paragraph, and of the desire of the Secretary to conclude a negotiated agreement as to the value of the real property or interest in real property sought for acquisition by the Secretary. If the property owner or owners and the Army do not reach an agreement within 90 days after the Army has provided such notice, on the request of the property owner or owners to the Secretary, the matter shall be referred to third party arbitration for resolution within a period of 90 days from the date of referral. The decision of the arbitrator will be binding.

(c) CONDITIONS ON ARBITRATION.—

(1) CONDITIONS.—Arbitration under subsection (b)(3) shall be subject to the following conditions:

(A) The cost of such arbitration shall be the responsibility of the Secretary of the Army.

(B) The Secretary of the Army shall identify at least three neutral third parties with experience in conducting arbitrations as to real property values and shall make this information available to the property owner or owners.

(C) The issue of property value shall be referred to an arbitrator selected by the property owner or owners from the neutral third parties identified by the Secretary of the Army pursuant to subparagraph (B).

(D) The Army shall reimburse the property owner or owners for reasonable costs incurred in pursuing the arbitration as established by the arbitrator.

(2) ARBITRATOR POWERS AND IMMUNITIES.—An arbitrator selected under paragraph (1)(C) to whom an action is referred under this section shall have the power within the acquisition process to conduct arbitration hearings, to administer oaths and affirmations, and to make decisions as to the value of the real property or interest in real property subject to arbitration. An individual serving as arbitrators pursuant to this section is entitled to the immunities and protections provided by law.

(d) COMMUNITY PLANNING ASSISTANCE.—A community adversely impacted by the acquisition by the Secretary of the Army of real property for the purpose of expanding the Site shall be deemed to be eligible for adjustment assistance under section 2391(b) of title 10, United States Code. The Secretary shall consult with the Governor of Colorado regarding other steps that may be taken to address impacts on local governments and affected communities.

(e) CONSULTATION REGARDING RESULTING STATUS OF ACQUIRED LAND.—The Secretary of the Army shall consult with the Secretary of Interior regarding the status of any real property acquired for the purpose of expanding the Site for purposes of payments to local governments under section 6901 of title 31, United States Code.

(f) ACCESS.—

(1) ACCESS TO CULTURAL AND HISTORIC SITES.—The Secretary of the Army shall ensure reasonable access to cultural and historic sites within the Site.

(2) GRAZING.—Where appropriate and under reasonable conditions, the Secretary of the Army shall allow the grazing of livestock within the Site.

(g) FOREST SERVICE LANDS.—If the Secretary of the Army seeks to use real property for military purposes in the area of interest, which as of the date of the enactment of this Act were managed by the Secretary of Agriculture, the Secretary of the Army shall—

(1) secure a special use permit, including terms and conditions for such use that are agreed to by the Secretary of the Army and the Secretary of Agriculture; or

(2) upon agreement with the Secretary of Agriculture, enter into an interchange of lands under the authority of section 1 of the Act of July 26, 1956 (16 U.S.C. 505a).

(h) STATE LANDS.—The Secretary of the Army shall seek to reach agreement with the Governor of Colorado on terms, conditions, and reasonable compensation under which lands in the area of interest owned by the State of Colorado can be used for military purposes.

SEC. 2832. GRANT OF EASEMENT, EGLIN AIR FORCE BASE, FLORIDA.

(a) GRANT REQUIRED.—The Secretary of the Air Force shall use the authority provided by section 2668 of title 10, United States Code, to grant to the Mid Bay Bridge Authority an easement for a roadway right-of-way over such land at Eglin Air Force Base, Florida, as the Secretary determines necessary to facilitate the construction of a road connecting the northern landfall of the Mid Bay Bridge to Florida State Highway 85.

(b) CONSIDERATION.—As consideration for the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall pay to the Secretary an amount equal to the fair-market-value of the easement, as determined by the Secretary.

(c) COSTS OF PROJECT.—As a condition of the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall be responsible for all costs associated with the highway project described in such subsection, including all costs the Secretary determines to be necessary to address any impacts that the project may have on the defense missions at Eglin Air Force Base.

SEC. 2833. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the '''University'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel and their dependents at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University 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, related to the conveyance. If amounts are collected from the University 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 University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) 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.

(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. 2834. ADDITIONAL CONDITIONS ON LEASE OF PROPERTY FOR HEADQUARTERS FACILITY FOR UNITED STATES SOUTHERN COMMAND, FLORIDA.

(a) USE OF PROPERTY AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may utilize the property of the State of Florida described in sublease number 4489-01, which was entered into between the State of Florida and the United States, for the purpose of construction of a consolidated headquarters facility for the United States Southern Command.

(b) NEGOTIATION FOR ADDITIONAL AUTHORIZED USES OF PROPERTY.—Given the substantial investment to be made by the United States to construct a headquarters facility for the United States Southern Command on the property referred to in subsection (a), the Secretary shall enter into negotiations to secure, before the award of a contract for the construction of the facility, additional flexibility for the United States to use the property for general administrative purposes for any Federal agency, including in the event the property is no longer used for the United States Southern Command.

(c) ACQUISITION OF ADDITIONAL PROPERTY.—The Secretary may obtain the use of additional State lands adjacent to the property referred to in subsection (a), if available by the terms of the lease referred to in such subsection and needed to complete the construction of the headquarters facility for the United States Southern Command. Subsection (b) shall apply with respect to any additional property secured under this subsection.

SEC. 2835. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ISLE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled ''07–CE'' on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT OF REMEDIATION BY ARMY CORPS OF ENGINEERS.—The Secretary of Defense, acting through the district office of the Army Corps of Engineers in Louisville, Kentucky, shall manage and carry out environmental remediation activities with respect to the property described in subsection (b) that, at a minimum, achieve the standard that the United States Fish and Wildlife Service determines sufficient to allow the property to be used as provided in subsection (c)(3). Such remediation activities, with the exception of long-term monitoring, shall be completed to achieve that standard not later than two years after the date of enactment of this Act. The Secretary of Defense may use amounts made available from the account established by section 2703(a)(5) of title 10, United States Code, to carry out such remediation.

(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.).

SEC. 2836. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 200 acres at Fort Hood, Texas, for the purpose of permitting the City to improve arterial transportation routes in the community.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of the real property acquired by the Secretary under this subsection shall be equal to the fair market value of the real property conveyed under subsection (a), as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys 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 conveyances under this section, including survey costs, related to the conveyances. 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 conveyances, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyances under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. 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 conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. EXCHANGE OF JURISDICTION OVER REAL PROPERTY INVOLVING FORT BELVOIR, VIRGINIA.

(a) EXCHANGE.—Not later than September 30, 2008, the Administrator of General Services and the Secretary of the Army shall enter into an agreement providing for a property exchange under which—

(1) the Administrator transfers to the jurisdiction, custody, and control of the Secretary—

(A) the parcel of real property described in subsection (b), including any improvements thereon; or

(B) subject to a boundary determination by the Administrator and concurrence by the Secretary, a portion of the parcel of real property described in subsection (b), including any improvements on that portion; and

(2) the Secretary transfers to the jurisdiction, custody, and control of the Administrator a parcel of real property described in subsection (c).

(b) GSA PROPERTY DESCRIPTION.—The property and improvements referred to in subsection (a)(1) is the approximately 72.23 acre site at 6999 Loisdale Road in Springfield, Virginia, known as the GSA Franconia Warehouse, identified in the land records of Fairfax County, Virginia, as Parcel ID # 0902-01-0057, Lee District tax district 4000.

(c) ARMY PROPERTY DESCRIPTION.—

(1) IN GENERAL.—The property referred to in subsection (a)(2) is a parcel of real property acceptable to the Administrator located at either—

(A) Fort Belvoir, Virginia; or

(B) another installation under the jurisdiction of the Department of Army in the National Capital Region.

(2) IMPROVEMENTS.—The parcel of real property selected for transfer may include improvements on the property made by the Army before the date of the enactment of this Act.

(d) NEGOTIATION.—

(1) TERMS AND CONDITIONS.—As a condition of the exchange of property under subsection (a), the agreement under such subsection shall provide that the fair market value of the properties to be exchanged shall be equal or equalized through the use of a cash equalization payment.

(2) DETERMINATION OF FAIR MARKET VALUE.—For purposes of paragraph (1), the fair market value of the property shall be determined—

(A) based on the highest and best use of the property, as determined by an independent appraisal jointly commissioned by the Administrator and the Secretary of the Army; and

(B) using the definition of fair market value contained in the Uniform Appraisal Standards for Federal Land Acquisitions.

(e) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section may be construed to affect or limit the application of, or obligation to comply with, any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) USE OF PROPERTY.—After completion of the exchange of property under subsection (a), the Secretary may relocate personnel to facilities to be constructed or leased (or a combination of both) on the property who otherwise would be located or relocated to Fort Belvoir.

(g) RELOCATION OF PERSONNEL, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator may procure and provide space for the relocation of personnel, equipment, and supplies of the General Services Administration and its tenants on property transferred under subsection (a)(1).

(2) NOTICE TO COMMITTEES.—Before undertaking an activity under paragraph (1) that otherwise would require approval of a prospectus under section 3307 of title 40, United States Code, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the congressional defense committees a written notice containing a description of the activity to be undertaken.

(3) RELOCATION COSTS.—As a condition of the transfer of property under subsection (a), the Secretary shall agree—

(A) to advance funds to the Administrator to cover the costs projected to be incurred by the Administrator, based on an estimate of such costs prepared by the Administrator, for relocating personnel, equipment, and supplies of the General Services Administration and its tenants from the property; and

(B) if the initial advance of funds is insufficient, to advance additional funds to the Administrator in accordance with a revised or supplemental estimate prepared by the Administrator.

(4) EXCESS FUNDS.—The Administrator shall return to the Secretary any funds received under paragraph (3) that are not used for the purposes described in such paragraph.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator and the Secretary of the Army may require such additional terms and conditions in connection with the exchange under subsection (a) as the Administrator, in consultation with the Secretary, determines appropriate to protect the interests of the United States and further the purposes of this section.

SEC. 2838. MODIFICATION OF CONVEYANCE AUTHORITY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by striking '', notwithstanding any provision of State law to the contrary,'', as added by section 2867 of Public Law 107–107 (115 Stat. 1334).

Subtitle E—Energy Security

SEC. 2851. REPEAL OF CONGRESSIONAL NOTIFICATION REQUIREMENT REGARDING CANCELLATION CEILING FOR DEPARTMENT OF DEFENSE ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 2852. REPORT ON OPPORTUNITIES FOR LEVERAGING FUNDS OF THE DEPARTMENT OF DEFENSE AND STATES TO PREVENT DISRUPTION IN EVENT OF ELECTRIC GRID OR PIPELINE FAILURES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the congressional defense committees a report on approaches by which the Department of Defense may contribute funds and other resources of the Department, which when combined with resources from other funding sources, such as State System Benefit Trust Funds, Clean Air Act State Implementation Funds, and State Homeland Security Critical Infrastructure Grants, will accelerate efforts to harden critical functions on and around military and security facilities to prevent disruption in the event of major electric grid or natural gas or petroleum pipeline failures.

Subtitle F—Other Matters

SEC. 2861. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) January 1, 2013;

''(2) the date on which the Navy Annex property is no longer required (as determined by the Secretary of Defense) for use as temporary office space; or

''(3) one year after the date on which the Secretary of the Army notifies the Secretary of Defense that the Navy Annex property is needed

for the expansion of Arlington National Cemetery.''.

SEC. 2862. TRANSFER OF JURISDICTION OVER AIR FORCE MEMORIAL TO DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF JURISDICTION.—Notwithstanding section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) and section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C. 1003 note), administrative jurisdiction, custody, and control of the parcel of Federal land described in subsection (b)(1) of such section 2863 is hereby transferred to the Secretary of the Air Force.

(b) ACCESS AND MANAGEMENT OF AIR FORCE MEMORIAL.—In addition to authorities available to the Secretary of the Air Force under any other provision of law, the Secretary may enter into a cooperative agreement with the Air Force Memorial Foundation or other appropriate private organizations to provide management, maintenance, and repair of the Air Force Memorial and surrounding site and to facilitate public access to the memorial.

SEC. 2863. ESTABLISHMENT OF NATIONAL MILITARY WORKING DOG TEAMS MONUMENT ON SUITABLE MILITARY INSTALLATION.

(a) AUTHORITY TO ESTABLISH MONUMENT.—The Secretary of Defense may permit the National War Dogs Monument, Inc., to establish and maintain, at a suitable location at Fort Belvoir, Virginia, or another military installation in the United States, a national monument to honor the sacrifice and service of United States Armed Forces working dog teams that have participated in the military operations of the United States.

(b) LOCATION AND DESIGN OF MONUMENT.—The actual location and final design of the monument authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the military installation and site on such installation to serve as the location for the monument, the Secretary shall seek to maximize access to the resulting monument for both visitors and their dogs.

(c) MAINTENANCE.—The maintenance of the monument authorized by subsection (a) by the National War Dogs Monument, Inc., shall be subject to such conditions regarding access to the monument, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the monument authorized by subsection (a).

SEC. 2864. NAMING HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF THE HONORABLE JOEL HEFLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado's 5th Congressional district in 1986 and served in the House of Representatives until the end of the 109th Congress in 2006 with distinction, class, integrity, and honor.

(2) Representative Hefley served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, from 2001 through 2006, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley's colleagues know him to be a fair and effective lawmaker who worked for the national interest while never forgetting his Western roots.

(4) Representative Hefley's efforts on the Committee on Armed Services were instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) Representative Hefley spearheaded the Military Housing Privatization Initiative to eliminate inadequate housing on military installations, with the first pilot program located at Fort Carson.

(8) Representative Hefley's leadership on the Military Housing Privatization Initiative allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(9) It is fitting and proper that an appropriate military family housing area or structure at Fort Carson be designated in honor of Representative Hefley.

(b) DESIGNATION.—Notwithstanding Army Regulation AR 1–33, the Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the ''Joel Hefley Village''.

SEC. 2865. NAMING NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF THE HONORABLE LANE EVANS, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and served in the House of Representatives until the end of the 109th Congress in 2006 representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans was a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from posttraumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans worked with local leaders to promote the Rock Island Arsenal, and it earned new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the ''Lane Evans Navy and Marine Corps Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SEC. 2866. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF THE HONORABLE SHERWOOD L. BOEHLERT, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The new laboratory building at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the ''Sherwood Boehlert Center of Excellence for Information Science and Technology''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood Boehlert Center of Excellence for Information Science and Technology.

SEC. 2867. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER, LIMA, OHIO, IN HONOR OF THE HONORABLE MICHAEL G. OXLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall be known and designated as the ''Michael G. Oxley Administration and Technology Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2868. NAMING OF LOGISTICS AUTOMATION TRAINING FACILITY, ARMY QUARTERMASTER CENTER AND SCHOOL, FORT LEE, VIRGINIA, IN HONOR OF GENERAL RICHARD H. THOMPSON.

Notwithstanding Army Regulation AR 1–33, the Logistics Automation Training Facility of the Army Quartermaster Center and School at Fort Lee, Virginia, shall be known and designated as the ''General Richard H. Thompson Logistics Automation Training Facility'' in honor of General Richard H. Thompson, the only quartermaster to have risen from private to full general. 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 General Richard H. Thompson Logistics Automation Training Facility.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Study on using existing pits for the Reliable Replacement Warhead program.
Sec. 3112. National Nuclear Security Administration study on nuclear weapons complex protective forces.
Sec. 3113. Report on retirement and dismantlement of nuclear warheads.
Sec. 3114. Assessment of security risks posed to nuclear weapons complex.
Sec. 3115. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
Sec. 3116. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.

Sec. 3117. Authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 3118. Increased authority for ombudsman under Energy Employees Occupational Illness Compensation Program.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,536,833,000, to be allocated as follows:

(1) For weapons activities, $6,511,312,000.

(2) For defense nuclear nonproliferation activities, $1,817,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,363,905,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $763,974,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 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 $292,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STUDY ON USING EXISTING PITS FOR THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) STUDY REQUIRED.—The Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall carry out a study analyzing the feasibility of using existing pits to remanufacture warheads for the Reliable Replacement Warhead (RRW) program.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2008, the Administrator shall submit to the congressional defense committees a report on the results of the study. The report shall be in unclassified form, but may include a classified annex.

(2) MATTERS INCLUDED.—The report shall contain the assessment of the Administrator of the results of the study, including—

(A) an assessment of—

(i) whether using existing pits to remanufacture warheads for the RRW program is technically feasible;

(ii) whether remanufacturing warheads with existing pits is more desirable than remanufacturing warheads with newly manufactured pits;

(iii) the number of existing pits suitable for such remanufacturing;

(iv) whether proceeding to remanufacture warheads with existing pits before remanufacturing warheads with newly manufactured pits is desirable; and

(v) the extent to which remanufacturing warheads with existing pits, as compared to remanufacturing warheads with newly manufactured pits, would reduce future requirements for new pit production, and how such use of existing pits would affect the schedule and scope for new pit production; and

(B) a comparison of the requirements for certifying—

(i) warheads remanufactured with existing pits;

(ii) warheads remanufactured with newly manufactured pits; and

(iii) warheads maintained by the Stockpile Life Extension Programs.

(c) DEFINITIONS.—For the purposes of this section, the terms ''remanufacturing'' and ''remanufacture'' mean the replacement of existing warheads with modern components that are designed to increase the reliability, safety, and surety of the warhead, but that do not alter the yield of the warhead or affect military characteristics of the warhead in any way.

(d) FUNDING.—Of the amounts made available pursuant to the authorization of appropriations in section 3101(a)(1), such funds as may be necessary shall be available to carry out this section.

SEC. 3112. NATIONAL NUCLEAR SECURITY ADMINISTRATION STUDY ON NUCLEAR WEAPONS COMPLEX PROTECTIVE FORCES.

(a) STUDY REQUIRED.—The Administrator for Nuclear Security shall carry out a study on the composition of the workforce providing protective forces at the nuclear weapons complex.

(b) REPORT.—Not later than March 1, 2008, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the results of the study. The report shall include the following:

(1) An assessment of whether the incentives inherent in the use of contractors to provide protective forces increase or decrease the risk that such protective forces will be substandard.

(2) Assessments of the feasibility, costs, benefits, and implications of having protective forces at the nuclear weapons complex be provided by a workforce comprised—

(A) only of contractor employees;

(B) only of Federal employees;

(C) of both contractor employees and Federal employees; and

(D) in any other manner that the Administrator considers appropriate for assessment under this paragraph.

SEC. 3113. REPORT ON RETIREMENT AND DISMANTLEMENT OF NUCLEAR WARHEADS.

Not later than February 1, 2008, the Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall submit to the congressional defense committees a report on the retirement and dismantlement of the nuclear warheads that are not part of the enduring stockpile but that have not yet been retired or dismantled. The report shall include the following:

(1) The existing plan and schedule for retiring and dismantling those warheads.

(2) An assessment of the capacity of the Pantex and Y-12 plants to accommodate an accelerated schedule for retiring and dismantling those warheads.

(3) An assessment of the feasibility of implementing such an accelerated schedule.

SEC. 3114. ASSESSMENT OF SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX.

(a) ASSESSMENTS REQUIRED.—The Administrator for Nuclear Security shall conduct an assessment of—

(1) the physical security risks, and the cyber security risks, posed to the nuclear weapons complex; and

(2) the security technologies employed within the nuclear weapons complex.

(b) REPORT REQUIRED.—Not later than February 1, 2008, the Administrator shall submit to the congressional defense committees a report on the assessments conducted under subsection (a). The report shall include—

(1) for each site within the nuclear weapons complex, a description of the security technologies employed at the site and, for each such technology, the age and maintenance status of the technology;

(2) a description of the methods used by the Department of Energy to establish priorities among investments in physical and cyber security programs and activities; and

(3) a multi-year plan for the lifecycle maintenance (and replacement) of the security technologies employed within the nuclear weapons complex.

SEC. 3115. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND INTERNATIONAL RADIOLOGICAL THREAT REDUCTION PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report that sets forth a specific plan for strengthening and expanding the Department of Energy International Radiological Threat Reduction (IRTR) program within the Global Threat Reduction Initiative. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of March 13, 2007, titled ''Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries'', and shall specifically include actions to—

(1) improve the Department's coordination with the Department of State and the Nuclear Regulatory Commission;

(2) improve information-sharing between the Department and the International Atomic Energy Agency;

(3) with respect to hospitals and clinics containing radiological sources that receive security upgrades, give highest priority to those determined to be the highest risk;

(4) accelerate efforts to remove as many radioisotope thermoelectric generators (RTGs) in the Russian Federation as practicable;

(5) develop a long-term sustainability plan for security upgrades that includes, among other things, future resources required to implement such a plan; and

(6) develop a long-term operational plan that steadily increases funding for the IRTR program and ensures sufficient funding to identify, recover, and secure all vulnerable high-risk radiological sources worldwide as quickly and effectively as possible.

SEC. 3116. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a specific plan for strengthening and expanding the Department of Energy Materials Protection, Control, and Accounting (MPC&A) program. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of February 2007, titled ''Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain'', and shall specifically include actions to—

(1) strengthen program management and the effectiveness of the Department's efforts to improve security at weapons-usable nuclear material and warhead sites in the Russian Federation and other countries by—

(A) revising the metrics used to measure MPC&A program progress to better reflect the level of security upgrade completion at buildings reported as ''secure'';

(B) actively working with Russia and other countries, in coordination with and with the concurrence of the Secretary of State, to develop an access plan for each country; and

(C) developing a management information system to track the Department's progress in providing Russia with a sustainable MPC&A system by 2013; and

(2) develop a long-term operational plan that steadily increases funding for the MPC&A program, including for National Programs and Sustainability, and ensures sufficient funding to secure all weapons-usable nuclear material and

warhead sites as quickly and effectively as possible.

SEC. 3117. AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1747) is amended in subsection (a)—

(1) by striking ''the President may'' and inserting ''the Secretary of Energy may''; and

(2) by striking ''if the President'' and inserting ''if the Secretary of Energy, with the concurrence of the Secretary of State,''.

(b) REPEAL OF FUNDING LIMITATION.—Section 3124 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 3124 of that Act is further amended in subsection (d)—

(1) in pararaph (1)—

(A) by striking ''The President may not'' and inserting ''The Secretary of Energy may not''; and

(B) by striking ''until the President'' and inserting ''until the Secretary of Energy'';

(2) in paragraph (2)—

(A) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(B) by striking ''the President shall'' and inserting ''the Secretary of Energy shall''; and

(C) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate''; and

(3) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

SEC. 3118. INCREASED AUTHORITY FOR OMBUDSMAN UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) by amending subsection (c) to read as follows:

''(c) DUTIES.—The duties of the Office shall be as follows:

''(1) To assist individuals in making claims under this title.

''(2) To provide information on the benefits available under this title and on the requirements and procedures applicable to the provision of such benefits.

''(3) To act as an advocate on behalf of individuals seeking benefits under this title.

''(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this title.

''(5) To carry out such other duties as the Secretary shall specify.''; and

(2) by striking subsection (g) (establishing a sunset date) and inserting the following:

''(g) CONTRACT AUTHORITY.—The Ombudsman shall have authority to contract for the services of individuals with expertise in relevant disciplines, including health physics, medicine, industrial hygiene, and toxicology, as the Ombudsman may from time to time consider appropriate.

''(h) FUNDING.—Effective for appropriations made for fiscal year 2008 and each fiscal year thereafter, and notwithstanding section 3684 or any other provision of this title, or section 151 of Division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-251)), this section shall not be carried out with direct spending under this title. Instead, no funds shall be obligated for the purpose of carrying out this section except funds appropriated specifically for the purpose of carrying out this section in appropriations Acts enacted after the date of the enactment of this subsection. There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each fiscal year thereafter.''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $22,499,000 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 XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from the national defense stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2008, the National Defense Stockpile Manager may obligate up to $44,825,000 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. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1788) and section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3545), is amended by striking ''$600,000,000 before'' in paragraph (5) and inserting ''$730,000,000 by''.

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108-375; 118 Stat. 2193), section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3545), and section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2513), is amended by striking ''$1,016,000,000 by the end of fiscal year 2014'' in paragraph (7) and inserting ''$1,469,102,000 by the end of fiscal year 2015''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,301,000 for fiscal year 2008 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 2008.
Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, 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, $115,276,000, of which—

(A) $13,850,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and

(B) $8,218,000 shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $20,000,000.

SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.

The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2008 for disposal by the Navy, no fewer than 3 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–151 and amendments en bloc described in section 3 of House Resolution 403.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the Resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be

subject to amendment; and shall not be subject to a demand for division of the question.

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

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Such announcement has been made with regard to amendments 33, 29, 49, 8, 14, 21, and 38.

AMENDMENT NO. 33 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in House Report 110–151.

Ms. SCHAKOWSKY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Ms. SCHAKOWSKY:

Strike sections 831, 832, and 833, and insert the following:

SEC. 831. MEMORANDUM OF UNDERSTANDING ON MATTERS RELATING TO CONTRACTING.

(a) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall enter into a memorandum of understanding regarding matters relating to contracting for contracts in Iraq or Afghanistan.

(b) RESTRICTIONS ON CONTRACTING UNTIL MEMORANDUM SIGNED.—

(1) RESTRICTION.—Except as provided in paragraph (2), on and after January 1, 2008, no contracts in Iraq or Afghanistan may be awarded by the Department of Defense, the Department of State, or the United States Agency for International Development (A) unless the memorandum required by subsection (a) has been signed by the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, respectively; and (B) the department or agency concerned has initiated use of the common database identified in such memorandum to track contracts in Iraq or Afghanistan.

(2) WAIVER.—

(A) The President may waive the restriction in paragraph (1) for a period of 45 days if the President determines in writing that, but for such a waiver, there would be substantial harm to critical national security objectives and submits the determination, including the reasons for such determination, to the relevant committees of Congress at least 15 days before issuing the waiver.

(B) Such waiver may be renewed for one additional 45-day period if the President submits a determination in writing to the relevant committees of Congress that renewal of the waiver is necessary to avoid substantial harm to critical national security objectives.

(c) MATTERS COVERED.—The memorandum of understanding required by subsection (a) shall address, at a minimum, the following:

(1) Identification of the major categories of contracts in Iraq or Afghanistan being awarded by the Department of Defense, the Department of State, or the United States Agency for International Development.

(2) Identification of the roles and responsibilities of each department or agency for matters relating to contracting for contracts in Iraq or Afghanistan.

(3) Responsibility for authorizing the carrying of weapons in performance of such contracts.

(4) Responsibility for establishing minimum qualifications, including background checks, for personnel carrying weapons in performance of such contracts.

(5) Responsibility for setting rules of engagement for personnel carrying weapons in performance of such contracts.

(6) Responsibility for establishing procedures for, and the coordination of, movement of contractor personnel in Iraq or Afghanistan.

(7) Identification of a common database that will serve as a repository of information on all contracts in Iraq or Afghanistan, and agreement on the elements to be included in the database, including, at a minimum, with respect to each contract—

(A) a brief description of the contract;

(B) the value of the contract;

(C) the amount of cost ascribed to overhead for the contract;

(D) the amount of cost ascribed to security for the contract;

(E) the total number of personnel employed on the contract; and

(F) the total number of personnel employed on the contract who provide security in Iraq or Afghanistan.

(8) Responsibility for maintaining and updating information in the common database identified under paragraph (7).

(9) Responsibility for the collection and referral to the appropriate Government agency of any information relating to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) or chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act), including a clarification of responsibilities under section 802(a)(10) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), as amended by section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(10) Responsibility for the issuance of guidance, as appropriate, on equipment used by contractor personnel, including guidance on appropriate vehicles, uniforms, body armor, and weapons.

(11) Responsibility for the collection and maintenance of information relating to casualties suffered by personnel working on contracts in Iraq or Afghanistan.

(d) COPIES PROVIDED TO CONGRESS.—

(1) MEMORANDUM OF UNDERSTANDING.—Copies of the memorandum of understanding required by subsection (a) shall be provided to the relevant committees of Congress within 30 days after the memorandum is signed.

(2) DATABASE.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development shall provide access to the common database identified under subsection (c)(7) to the relevant committees of Congress.

(3) CONTRACTS.—Effective on the date of the enactment of this Act, copies of any contracts awarded in Iraq or Afghanistan shall be provided to any of the relevant committees of Congress within 15 days after the submission of a request for such contract or contracts from such committee to the department or agency managing the contract.

SEC. 832. COMPTROLLER GENERAL REVIEWS AND REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) REVIEWS AND REPORTS REQUIRED.—

(1) IN GENERAL.—Every six months, the Comptroller General shall review contracts in Iraq or Afghanistan and submit to the relevant committees of Congress a report on such review.

(2) MATTERS COVERED.—A report under this subsection shall cover the following with respect to the contracts in Iraq or Afghanistan reviewed for the report:

(A) Total number of contracts awarded during the period covered by the report.

(B) Total number of active contracts.

(C) Total value of all contracts awarded during the reporting period.

(D) Total value of active contracts.

(E) Total number of contractor personnel working on contracts during the reporting period.

(F) Total number of contractor personnel who have provided security in Iraq or Afghanistan for contracts during the reporting period.

(G) Categories of activities undertaken in reviewed contracts.

(H) The extent to which such contracts have used competitive procedures.

(I) The extent to which such contracts have achieved the initial scope of requirements included in the contracts.

(J) The effect of costs for security on such contracts and whether contracting for security on such contracts rather than government-provided security is more effective, efficient, and consistent with the United States policy goals.

(K) Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

(3) SUBMISSION OF REPORTS.—The Comptroller General shall submit an initial report under this subsection not later than March 1, 2008, and shall submit an updated report every six months thereafter until March 1, 2010.

(b) ACCESS TO DATABASE ON CONTRACTS.—The Secretary of Defense, the Secretary of State, and the Administrator for the United States Agency for International Development shall provide full access to the database described in section 831(c)(7) to the Comptroller General for purposes of the reviews carried out under this section.

SEC. 833. DEFINITIONS.

In this subtitle:

(1) MATTERS RELATING TO CONTRACTING.—The term ''matters relating to contracting'', with respect to contracts in Iraq and Afghanistan, means all matters relating to awarding, funding, managing, tracking, monitoring, and providing oversight to contracts and contractor personnel.

(2) CONTRACTS IN IRAQ OR AFGHANISTAN.—The term ''contracts in Iraq or Afghanistan'' means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order at any tier issued under such a contract (including a contract, subcontract, or task order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order involves worked performed in Iraq or Afghanistan for a period longer than 14 days.

(3) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means each of the following committees:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) For purposes of contracts relating to the National Foreign Intelligence Program, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

□ 1745

Madam Chairman, I'd like to yield myself 2 minutes.

I'd like to thank Chairman SKELTON and the Armed Services Committee staff for working with me to bring forth language to provide oversight for Iraq and Afghanistan contractors.

There are now almost as many contractors in Iraq as soldiers. In fact, contractors compose the second largest force in Iraq after the U.S. military.

The Washington Post has said that there may are approximately 100,000 government contractors, as many as 25,000 to 40,000 who are armed security contractors that seem to be entirely outside the reach of the law. Many of these private contractors are performing what are traditionally viewed as inherently governmental functions.

The Schakowsky-Price amendment gives Congress access to a database created in the base bill that would collect the descriptions of the contracts, value of the contracts, amount of overhead on the contracts, total number of personnel employed on the contracts, and other general information.

Currently, Congress can't provide oversight of the contracts for Iraq and Afghanistan because we don't know what's in them. This would give access to members of the relevant committees.

To those on the other side of the aisle who may be concerned about a set date for a memorandum of understanding to be signed, we recognize that may need to be readjusted as the bill moves through committee.

Congress and the American people need to evaluate the role of contractors. We need to know how many there are, how much they cost, and what they are doing. It's time we shine some light on the rapidly expanding use of contractors in the war zone.

As the Iraq war experience makes clear, a more transparent framework for monitoring and regulation of contracts is urgently needed. So I strongly recommend my colleagues to support the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. HUNTER. Madam Chair, I rise to speak about the amendment. I don't rise in opposition to the amendment, but I would like to take the time and address the issue.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Madam Chair, we've looked over the amendment. It's really an adjustment of a part of the base bill that we have that allows for this memorandum of understanding between these three primary entities, State, DOD and AID, to make sure that they have an understanding of authorization of the carrying of the weapons by contractors, the rules of engagement, coordinating movement of contractors, collecting information relating to offenses under UCMJ and also, additionally, what the gentlelady has offered in her amendment, the issuance of guidance on all equipment, including uniforms, body armor, weapons and the collection of information related to casualties suffered by contractors.

And our only concern, of course, is that we have enough time for this memorandum of understanding to be put together after the bill becomes law, which in some cases is late December, hopefully long before then. And so what we do need is to have the ability of the administration, if they don't have that together. And one thing we all agree on is you've got to do this right when they do it, when they issue this memorandum of understanding. So they need to have time to do it; that we do have a waiver or an extension of time that would be allowed.

And so I've talked this over with the gentlelady, who is the author of the amendment. She's amenable to extending the time period for this memorandum of understanding to be worked out, and the chairman has graciously agreed that he also supports that.

And so just in a simple informal colloquy, I'd just ask the chairman if it's his agreement that, in conference, we would work to extend the time wherein the memorandum of understanding could be worked out if, in fact, it can't be done within 90 days of the first of January 2008. Would the gentleman agree to effect that in conference?

Mr. SKELTON. Yes. If the gentleman would yield.

Mr. HUNTER. Absolutely.

Mr. SKELTON. I certainly do agree. I think that's a reasonable request, and I think the gentlelady from Illinois also would agree to it.

Mr. HUNTER. I would further ask the gentlelady if that's fine with her, if she would be in accord with that.

Ms. SCHAKOWSKY. Yes, it is.

Mr. HUNTER. Thank you very much. In that case we support this amendment and would not object to its adoption.

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

Ms. SCHAKOWSKY. Madam Chairman, I yield 1½ minutes to Mr. PRICE of North Carolina.

Mr. PRICE of North Carolina. Madam Chairman, I thank Ms. SCHAKOWSKY for yielding and for her good work on this amendment, the Schakowsky-Price amendment.

I also want to thank Chairman SKELTON for his significant steps he takes in this bill to address the vast challenges surrounding battlefield contracting. He generously worked with me to include key elements of H.R. 369, my bill regarding security contractors, and I appreciate his leadership.

Very quickly, I want to highlight three additional improvements this amendment will make to language in the bill. First, it will require the departments doing the vast majority of contracting, DOD, State, USAID, to track contractor casualties. We believe over 800 contractors have been killed in Iraq and many more injured. But what's the exact toll? We do not know. Our amendment will change that.

Secondly, the amendment will require these departments when appropriate to issue guidance on appropriate equipment and uniforms for contractors.

And thirdly, it will require the departments to clarify how a provision inserted in last year's defense bill, which places certain contractors under the Uniform Code of Military Justice, will be implemented.

These are three simple but important additions that make the bill's current language even stronger, ensuring that the agencies engaged in contracting on the battlefield will develop an effective framework for managing and overseeing contractors.

Four years into the war in Iraq, and after all the stories of waste and abuse and criminal misconduct, I think we can agree that this is not too much to ask. I urge my colleagues to support the amendment.

Mr. HUNTER. Will the gentlelady yield?

Ms. SCHAKOWSKY. Yes, I would yield.

Mr. HUNTER. I just wanted to thank the gentlelady for, respectfully, for her addition to this amendment and her concern about the contractors. And you know, just reflect for a second, that our contractors who go over to the warfighting theaters in Iraq and Afghanistan undertake enormous danger, and a large number of them have been killed and wounded. And many of them, the ones that I have met, are largely American veterans who have, they go for two reasons; one is they do make good money. It's a job, it's a worthwhile job. They feel like they're supporting our country. They also have a great, the ones I've talked to, have a great deal of concern for the troops. They have a feeling of partnership with the people that wear the uniform of the United States, and they are a great asset to this country. And I think it's appropriate that we follow, we carefully watch how they're treated and how they're protected. I think that's absolutely appropriate.

I thank the chairman for embedding this base provision in the base bill, and

members on the Republican and Democrat side who've worked to put this together, and I thank the gentlelady for her thoughtful addition.

Ms. SCHAKOWSKY. Madam Chairman, I yield my remaining time to Chairman IKE SKELTON.

Mr. SKELTON. Madam Chairman, let me take this opportunity to compliment the gentlelady, Ms. SCHAKOWSKY, and also Mr. PRICE, the gentleman from North Carolina, and thank the ranking member, Mr. HUNTER, for working this out. It's a step in the right direction. It's also an example of bipartisanship, and we appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. FOSSELLA

The Acting CHAIRMAN. It is now in order to consider amendment No. 29 printed in House Report 110–151.

Mr. FOSSELLA. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. FOSSELLA:

At the end of title VI, insert the following new section:

SEC. 674. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 421 for military personnel for fiscal year 2008, $10,000,000 shall be for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 101(5) for the Army in fiscal year 2008 for other procurement are reduced by $10,000,000, to be derived from Joint High Speed Vessel.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Madam Chairman, I yield myself 3½ minutes.

Madam Chairman, most people don't realize while our troops are in harm's way in Afghanistan and Iraq, that their family members back home, if they want to send them a care package, whatever that care package may consist of, from a young child's homework assignment or a drawing or an artist's rendering, to just something from home to help them in their time of trouble, right now those families must pay for it. And on average, it's not unusual for a family to incur about $1,500 a year in postage to mail those packages.

My amendment would authorize free mailing privileges for family members of our servicemen and women serving in Iraq and Afghanistan. I believe the amendment offers tremendous opportunity to increase the morale of our troops overseas which, as we are well aware, is a necessary component to have a confident and fully prepared military.

I would like to thank, of course, Chairman SKELTON, Ranking Member HUNTER, Personnel Subcommittee chairman, Mr. SNYDER, and my good friend, JOHN MCHUGH from New York, for helping to bring this amendment to fruition.

I drafted the amendment in response to concerns expressed to me by many family members that it was becoming too costly to send those regular care packages to their loved ones overseas. I heard story after story of families that are already finding it hard to make ends meet now having to spend as much as $1,500 a year to mail care packages.

These packages, as I mentioned, bring a touch of home to our servicemembers. Pictures, cards, school projects from kids, and I'm told there's not good pepperoni in Afghanistan yet, so that comes as well. But they also provide the military men and women with basic necessities like additional shampoo or powder or perhaps phone cards.

In my district of Staten Island and Brooklyn, residents join together and raise money to help military families send these packages overseas. I was inspired by the outpouring of support for our servicemen and women, particularly in Dyker Heights, Brooklyn, where postal service employees raise money to cover the postage for every package sent to our troops. In Staten Island residents formed the Staten Island Project Home Front, Incorporated, a nonprofit organization dedicated to serving our deployed troops and their families by sending thousands of care packages. This month alone they sent over 230 packages to our soldiers overseas. It was with acts of generosity and patriotism such as these that prompted this amendment.

The amendment has also received the support of organizations such as the VFW, American Legion, National Association of Uniformed Services. And to quote the VFW, ''Letters and packages from home do wonders in boosting morale of our men and women serving in harm's way, and high morale transfers to combat ready and effectiveness.'' Comments such as this I wholeheartedly agree with.

It goes without saying that our servicemen and women are making enormous sacrifices fighting this war on

terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without some necessities such as blankets or toothpaste. It falls upon their families back home to get them these supplies and to cover the cost of shipping them overseas. The amendment will make life a little easier for our soldiers and to ease the financial burden on those back home. It's a simple way of bringing a touch of home to America's heroes overseas.

In short, what it would do would give each family member a voucher, the equivalent of sending a 10-pound package every 2 months, and would reduce that cost to those families.

Madam Chairman, I'd also submit for the RECORD letters in support from the VFW and the American Legion.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, May 15, 2007.

Hon. VITO FOSSELLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOSSELLA: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our strong support for the ''Supply Our Soldiers Act of 2007'' (H.R. 1439), which provides for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

As you are aware, letters and packages from home do wonders in boosting the moral of our men and women serving in harms way; and high moral translates to combat readiness and effectiveness. Unfortunately, too many military families are financially strained and cannot absorb the cost of postage to send parcels on a recurring basis. Your initiative goes a long way in eliminating that burden.

Thank you for taking the lead and introducing this measure. We look forward to working with you to ensure it is enacted.

Sincerely,

MICHAEL H. WYSONG,
Director,
National Security and Foreign Affairs.

THE AMERICAN LEGION,
Washington, DC, May 17, 2007.

Hon VITO FOSELLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOSSELLA: As you and your colleagues consider the Defense Authorization bill for FY 2008. The American Legion wants you to know that we wholeheartedly support your amendment that benefits members of the Armed Services serving in Iraq and Afghanistan by allowing free mailing of packages to these troops.

As the nation's largest wartime veterans' organization, The American Legion has long supported initiatives that impact the quality of life for our heroes serving overseas. This amendment would allow service members families to mail a package up to 10 pounds every two months to these war zones, free of charge. This is but one small way in which we can show the troops that we support them and what they do, and perhaps make life in a combat zone more bearable.

Again, thank you for taking the initiative in sponsoring this amendment.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. HUNTER. Would the gentleman yield?

Mr. FOSSELLA. I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding, and on our side we think this is an excellent amendment. And I want to thank the gentleman whom I've traveled with to the warfighting theaters, and thank him for his concern for our troops, and we support the amendment strongly.

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

Mr. SKELTON. Madam Chairman, I claim time in opposition, though I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Madam Chairman, actually I thank the gentleman from New York for bringing this amendment forward. It would provide cost free vouchers to allow mailing of packages to members serving in Iraq and also in Afghanistan, and the committee has no objection and appreciates the thoughtfulness on this issue.

Madam Chairman, I yield back.

Mr. FOSSELLA. I yield the remaining time to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Madam Chairman, General Walter Boomer, the commander of the Marines in the first gulf war, once said, a soldier's best friend, next to his rifle, is the postman.

This amendment, which is a scaled down version of H.R. 1439, the Supply Our Soldiers Act of 2007, sponsored by the gentleman from New York (Mr. FOSSELLA) and myself, will help our soldiers, our sailors, our airmen and marines fighting in Iraq and Afghanistan receive letters and packages more regularly from their loved ones.

We're not able to be with our heroes fighting in Iraq and Afghanistan, but we're able to send a little piece of home overseas to them. Whether it's mailing the basic essentials or a videotape and a letter, tangible items from loved ones are always appreciated.

□ 1800

Holding a son or daughter's art project or biting into a homemade cookie reminds them that they support what they are doing and the sacrifices they are making for our country.

The cost of sending letters and packages overseas to Iraq and Afghanistan can be a burden for a family already making great sacrifices. I think that regular communication between soldiers and their families should not be inhibited by the cost of postage, and some things just can't be e-mailed. This amendment will help soldiers receive the necessary supplies and words of encouragement from loved ones more frequently, keeping morale raised while in the combat zone.

I urge my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENT

The Acting CHAIRMAN. It is now in order to consider amendment No. 49 printed in House report 110–151.

Mr. SKELTON. Madam Chairman, may I make an inquiry?

The Acting CHAIRMAN. The gentleman may inquire.

Mr. SKELTON. Would it be possible, Madam Chairman, to bring forward the amendment of the gentleman from Pennsylvania at a later moment as opposed to what was announced earlier?

The Acting CHAIRMAN. The Chair can reannounce in different order for that amendment.

Does the gentleman make an announcement to that effect, sir?

Mr. SKELTON. Yes.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Madam Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 5, 9, 10, 17, 18, 26, 27, 36, 37, 47, 48 and 50 printed in House Report 110–151 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. SNYDER

The text of the amendment is as follows:

At the end of section 516, relating to the National Guard yellow ribbon reintegration program, add the following new section:

(f) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) FUNDING.—The amount otherwise provided by section 421 for the Army National Guard military personnel account is hereby increased by $50,000,000 to provide funds to carry out this section.

(2) OFFSETTING REDUCTION.—The amount otherwise provided by section 1507(4) for research, development, test, and evaluation for the Air Force is hereby reduced by $50,000,000, to be derived from the JSTARS program.

AMENDMENT NO. 9 OFFERED BY MR. TURNER

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 577. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary

custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

''(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

AMENDMENT NO. 10 OFFERED BY MRS. DRAKE

The text of the amendment is as follows:

In section 606, strike subsection (b).

AMENDMENT NO. 17 OFFERED BY MR. HOLDEN

The text of the amendment is as follows:

At the end of subtitle D of title V, add the following new section:

SEC. 557. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 18 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

The text of the amendment is as follows:

Title V, subtitle C, add at the end (page 223, after line 5) the following:

SEC. 5___. NAVY SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM AT UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA.

The Secretary of the Navy may establish and maintain a Senior Reserve Officers' Training Corps program under section 2102 of title 10, United States Code, at the University of Miami, Coral Gables, Florida.

AMENDMENT NO. 26 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

At the end of subtitle B of title XIV, add the following new section:

SEC. 1439. DEPARTMENT OF DEFENSE STUDY ON THE FEASIBILITY OF MEASURING FAMILY MEMBER SATISFACTION WITH HEALTH CARE SERVICES.

The Secretary of Defense shall conduct a study on the feasibility of measuring family member satisfaction with the quality of health care services provided to patients, particularly those patients incapacitated by injuries that render them unable to respond completely to surveys on their own.

AMENDMENT NO. 27 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

AMENDMENT NO. 36 OFFERED BY MR. THOMPSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. PROHIBITION AGAINST MEMBERS OF THE ARMED FORCES PARTICIPATING IN CRIMINAL STREET GANGS.

The Secretary of Defense shall revise section 3.5.8 of Department of Defense Directive 1325.6 to include membership in a criminal street gang among the list of prohibited activities by members of the Armed Forces.

AMENDMENT NO. 37 OFFERED BY MRS. CAPITO

The text of the amendment is as follows:

At the end of title X, insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING A MEMORIAL FOR MEMBERS OF THE ARMED FORCES WHO DIED IN AIR CRASH IN BAKERS CREEK, AUSTRALIA.

(a) FINDINGS.—Congress finds the following:

(1) During the Second World War, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia.

(2) From the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay.

(3) These servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough.

(4) They usually were carried by two B-17C Flying Fortresses converted for transport duty.

(5) On Monday, June 14, 1943, at about 6 a.m., a B-17C, Serial Number 40-2072, took off from Mackay Airport for Port Moresby.

(6) There were 6 crew members and 35 passengers aboard.

(7) The aircraft took off into fog and soon made two left turns at low altitude.

(8) A few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident.

(9) The cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia.

(10) United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war.

(11) Due to wartime censorship, the news media did not report the crash.

(12) Relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific.

(13) The remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943.

(14) In early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial.

(15) 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B-17C airplane accident.

(16) This discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia.

(17) Retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost four of his World War II buddies in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families.

(18) The Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past two years.

(19) Joy Shingleton, Donnie Tenney, Wendy Andrus, and Wilma Post, the family of Army Air Corps Corporal Edward J. Tenney, of Buckhannon, West Virginia, helped to bring this recently uncovered World War II tragedy to light.

(20) The commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army have exclusive authority to approve the design and site for the memorial marker.

AMENDMENT NO. 47 OFFERED BY MR. BRALEY OF IOWA

The text of the amendment is as follows:

At the end of subtitle B of title V, add the following new sections

SEC. 5___. STUDY OF FEASIBILITY OF ESTABLISHING A PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE NATIONAL GUARD AND RESERVES UNDERGOING DEPLOYMENT.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of members of the National Guard and Reserves undergoing deployment, including assessments of—

(1) the effectiveness of family-to-family support programs in—

(A) the early identification and prevention of family problems for families of members of the National Guard and Reserve who are deployed;

(B) the provision of peer support for such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, and the adverse consequence of stress and anxiety; and

(D) improving family readiness and post-deployment transition for such families;

(2) the feasability and advisability of utilizing spouses of members of the Armed Forces to act as counselors for spouses and families of members of the National Guard and Reserve who are deployed in order to assist such spouses and families in coping with the deployment of such members throughout their deployment cycle; and

(3) the best practices for training spouses of members of the Armed Forces to act as counselors for spouses and families of members of the National Guard and Reserve who are deployed.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 5___. STUDY REGARDING IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the National Guard and Reserve who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the National Guard and Reserve who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

AMENDMENT NO. 48 OFFERED BY MR. MITCHELL

The text of the amendment is as follows:

Page 627, strike lines 5 through 7 and insert the following:

''(3) Before transmittal of medical records of a member to the Department of Veterans Affairs, the Secretary of Defense shall ensure that the member (or an individual legally recognized to make medical decisions on behalf of that member) is presented with a written form, the voluntary signing of which shall authorize the transfer of the medical records of the member from the Department of Defense to the Department of Veterans Affairs pursuant to the Health Insurance Portability and Accountability Act of 1996. Nothing in this paragraph shall be construed as limiting or otherwise altering the applicability of the Health Insurance Portability and Accountability Act of 1996 to medical records maintained by the Department of Defense and the Department of Veterans Affairs.

AMENDMENT NO. 50 OFFERED BY MR. WALZ OF MINNESOTA

The text of the amendment is as follows:

Section 523, add at the end the following:

(g) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a study on the tuition assistance program carried out under section 2007 of title 10, United States Code. The study shall—

(A) identify the number of service members eligible for assistance under the program, and the number who actually receive the assistance;

(B) assess the extent to which the program affects retention rates; and

(C) assess the extent to which State tuition assistance programs affects retention rates in those States.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, 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 on the results of the study.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Madam Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Madam Chairman, at this time I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chairman, I thank the gentleman from Missouri and the gentleman from California.

My amendment simply requires the Department of Defense to examine a process by which they would further add for the collection of data by which our servicemembers could rely on an apples-to-apples comparison of our military health care system, so that they could get a proper evaluation of the status of our health care system, so that we could avoid the kinds of anecdotal stories that we found out through the Walter Reed scandal.

We shouldn't be finding this out through stories. We ought to be able to find this out through the garnering of data. And this is one of the ways that we seek to do so. By garnering this information just like we would through our regular health care system, we should do so through our military health care system, and that is what this amendment would do.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Chairman, I thank the chairman for yielding and both him and the ranking member from California for accepting this amendment.

This is an important amendment that is a first step in solving a very serious problem on our military bases both here in the States and abroad; and it is a problem that, unfortunately, spills over into our communities. And this is the issue of members of criminal street gangs joining the military and getting the training that they get in the military and now, unfortunately,

on the battlefield, and then bringing that back into the community and deploying those tactics on the streets in our neighborhoods.

This is a serious problem. It is documented. The FBI has a report. This is a problem that we need to get ahead of and stop before we have more serious problems than we do already.

I thank the chairman and ranking member for accepting this amendment.

Mr. SKELTON. Madam Chairman, I yield 1 minute to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Madam Chairman, I rise today in support of an amendment that will help improve the transfer of medical records from the Department of Defense to the Veterans Administration upon discharge.

This amendment will help ensure that when a soldier, sailor, airman, or marine voluntarily authorizes the transfer of his or her medical information to the VA, the information will, in fact, be transferred.

I want to thank Chairman SKELTON for supporting this amendment. His dedication to our fighting men and women is legendary, and our Nation's veterans are lucky to have him on their side.

I also want to thank Representatives ZACH SPACE, TIM WALZ, and CIRO RODRIGUEZ. I am proud to serve with them on the Veterans' Affairs Subcommittee on Oversight and Investigations. They have been full partners in this endeavor, and as the chairman of our subcommittee, I am honored by their support.

And, finally, I want to thank Chairman FILNER. His leadership has been invaluable, and I am grateful for his help.

Mr. HUNTER. Madam Chairman, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Chairman, I would like to thank the chairman and ranking member of the House Armed Services Committee for their hard work on this important legislation that will help provide our military with the resources they need to successfully execute their mission.

I have a very simple amendment today expressing the sense of Congress that the Arlington National Cemetery shall provide a site for a memorial marker to honor the lives of United States Armed Forces members who died in an air crash at Bakers Creek, Australia, on June 14, 1943. The amendment provides that the Secretary of the Army shall have the exclusive authority over the design of the memorial and the selection of the site.

This little-known tragedy occurred during World War II, a conflict that was fought and won by what has been called America's Greatest Generation. Unfortunately, the men who died in the Bakers Creek crash were never recognized as belonging to that group of great American heroes. During their service in the South Pacific, they were on a routine flight from Australia, returning from a week's leave for R&R. The plane crashed in Bakers Creek, Australia. Unfortunately, due to orders to keep the Allied presence in Australia a secret, the crash was kept a secret by the military.

Thankfully, many of the families, some of whom live in my district, now know the true story of how their relatives died. My amendment would merely recognize their sacrifice by honoring their service with a memorial marker at Arlington National Cemetery.

Mr. HUNTER. Madam Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from California.

Mr. HUNTER. Madam Chairman, I just want to say that we on this side are in total agreement with her amendment. We thank her for bringing it in such a thoughtful way and we support it.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my colleague, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Madam Chairman, I thank the chairman and the ranking member for their outstanding work on this incredibly important piece of legislation.

I offer a simple amendment, and I rise in support, encouraging my colleagues to support the amendment.

After spending 24 years in the Army National Guard, I know that members of our Armed Forces don't join the military simply for the benefits that are there. But I also know that benefits can help improve retention and aid servicemembers when they return to civilian life.

One benefit that has given our servicemembers a problem over the years is the Federal Tuition Assistance program. This program is based on a first-come, first-serve benefit. Servicemembers join up thinking this is a guaranteed benefit only to find out that the funding has run out. While serving in the National Guard and now as a Member of Congress, I have heard numerous complaints weekly about this program.

My amendment would direct DOD to report relevant information on this program by telling us how many servicemembers are eligible for this and how many receive the benefit. The study would examine the program's effect on retention as well as how it interacts with State tuition assistance programs.

We owe our servicemembers the benefits they are promised. This amendment would give us the necessary information to improve the program, to maximize the use of our dollars, and get it directed at our soldiers who need it.

I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I just want to say, we appreciate the gentleman and his amendment on this side and thank him for bringing it to the floor.

Mr. Chairman, at this point, I would like to yield 3 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I would like to thank Chairman SKELTON and Ranking Member HUNTER for including my amendment in this package.

My amendment provides certainty to servicemembers deployed in a contingency operation that their child custody arrangements will be protected.

In some cases, courts are overturning established custody arrangements while the custodial parent is serving our country in a contingency operation, such as Iraq or Afghanistan.

States have become aware of this issue and are looking at what action they can take to support our men and women in uniform. The State of Michigan passed a law in 2005 to provide these protections to military personnel. The amendment offered today is modeled after the established Michigan law.

Much is asked of our servicemembers, and mobilizations can disrupt and strain relationships at home. This additional protection is needed to provide them peace of mind that the courts will not take away their children because they answered the country's call to serve. This amendment protects them and it protects their children.

Again, I thank Chairman SKELTON and Ranking Member HUNTER for supporting this important amendment.

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

Mr. TURNER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentleman. What an essential and important amendment this is.

We recognized and have embedded in law the remedies for a service person who may be overseas and may lose his house or may have a judgment taken against him, a civil law liability judgment, and we have tried to protect him from that. And the idea of having a child taken from you while you are serving overseas can only have a demoralizing effect on members of the armed services.

So this protection is very much needed, and I thank the gentleman from Ohio. We have total support on this side for his amendment.

Mr. TURNER. Mr. Chairman, reclaiming my time, I thank Mr. HUNTER and I want to thank Chairman SKELTON again for this important amendment that will provide peace of mind for those who are serving.

Mr. HUNTER. Mr. Chairman, at this time, I would like to yield 3 minutes to the gentleman from Indiana (Mr. BUYER) for the purposes of a colloquy with myself and Mr. SKELTON.

Mr. BUYER. Mr. Chairman, I thank Mr. HUNTER and Chairman SKELTON.

I am deeply concerned about the unintended consequences that section 703 may have on the price of drugs for America's veterans. I rise today and

ask for your help to request the Government Accountability Office to conduct a study of the impact of the proposed provision to provide Federal pricing authority to the Department of Defense and the Department of Veterans Affairs. I ask the chairman if he would be willing to request the GAO to conduct such a study.

I yield to Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for bringing the issue forward. And I assure the gentleman we do not want to raise the price of drugs for America's veterans and neither do we want to raise the price of drugs for men and women in uniform and their families. I will be pleased to work with the gentleman and my ranking member, Mr. HUNTER, to request that the GAO conduct a study of the impact of Federal pricing on both the Department of Defense as well as the Department of Veterans Affairs and report back to Congress on its findings.

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

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I support the chairman and I will support the gentleman's request for a study by the GAO after 1 year to assess the impact to the Department of Veterans Affairs and the DOD of providing Federal pricing to DOD to purchase drugs in a retail pharmacy.

□ 1815

Mr. BUYER. Reclaiming my time, I want to thank Chairman SKELTON for his support of this quest, and I believe that such a review will help alleviate any uncertainty with regard to this proposal, and I want to also thank Ranking Member HUNTER.

To my good friend, Chairman SKELTON, you and I have had a great history together in this body for the last 15 years, and I consider you a personal friend. I apologize to you for when I let my passion get to the side of me. I am deeply sorry if in any manner you took my words directly personal to you because I would be offended if you felt that way.

You are a genuine human being, and we all recognize that your passion and your support for the men and women who serve in the military is real and, more importantly, it is genuine; and equally, my passion with regard to the men and women in the military and our veterans.

You and I will agree more than we ever disagree, and this is a moment where we may find ourselves in conflict. If I crossed the threshold to my good friend, I deeply apologize to you. I hope you accept my apology.

Mr. SKELTON. Well, it is certainly kind of you to make mention of that, and I appreciate it very much. I thank you for your friendship, of course, through the years. I do agree that we have been good friends and we have worked together so well. So that, of course, is all behind us. Thank you very much.

I do look forward to working with you and Mr. HUNTER on the issue as we move forward to protect not only our Nation's veterans, but our military personnel as well. And I think we will get there in this matter.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise on behalf of my colleagues ALCEE L. HASTINGS, ILEANA ROS-LEHTINEN and MARIO DIAZ-BALART to introduce an amendment to H.R. 1585, the Defense Authorization Act for Fiscal Year 2008. The amendment recommends that the Secretary of the Navy establish and maintain a Navy Senior Reserve Officers' Training Corps, ROTC, program at the University of Miami in Coral Gables, Florida.

Mr. Chairman, the University of Miami is committed to assisting in the education of the armed services officer corps. The university currently houses Army and Air Force ROTC programs with great success. In fact, the university has recently committed to build a new ROTC-only facility should a Navy program be added. This would provide the best environment for college education and officer training for our Armed Forces.

The south Florida community is an ideal place for a Navy ROTC program. The proximity to important military installations such as the Key West Naval Air Station and the United States Southern Command only serves to advance the real world training to which senior reserve officers are exposed during their military education.

Mr. Chairman, a Navy ROTC program at the University of Miami will further the Navy's continued mission to diversify their officer corps through increased recruitment, retention, and career development in minority populations. With a 50 percent minority student body, the university is well-situated to help the Navy achieve its laudable goal. Miami is the "gateway" to the Americas. The diversity of our community and the knowledge of our hemisphere would greatly augment the quality of officer training for our military.

Mr. Chairman, for these and other reasons, I am pleased to introduce this amendment with my colleagues and urge all members to support this important Navy ROTC program at the University of Miami.

Mr. MITCHELL. Mr. Chairman, I rise today in support of an amendment that will help improve the transfer of medical records from the Department of Defense to the Veterans Administration upon a soldier, sailor, airman or marine's discharge.

This amendment will help ensure that when one of our troops voluntarily authorizes the transfer of his or her medical information to the VA, that information will, in fact, be transferred.

Sadly, the safe and efficient transfer of medical records to the VA has been, and continues to be, a persistent problem. Despite numerous attempts to design and implement a system for sharing vital medical information, the DOD and VA have been unable to do so.

This information is essential to the well-being of our veterans. Without it, we cannot ensure that they receive the proper medical care from the VA.

The Veterans' Affairs Subcommittee on Oversight and Investigations has held hearings on this issue, and we have heard a myriad of explanations for why this is the case.

According to the Government Accountability Office, one of them is a technical, legal hurdle involving the law that protects the privacy of patients' medical records: the Health Insurance Portability and Accountability Act. According to the GAO, the DOD and VA have differing interpretations of HIPAA, and as a result, HIPAA has become a barrier against the sharing of medical information.

And even worse, the HIPAA hurdle has persisted for years.

In May 2005, the GAO reported,

> DOD and VA have been working on a data sharing agreement for over 2 years, but have not reached an agreement. DOD and VA differ in their understanding of HIPAA Privacy Rule provisions that govern the sharing of individually identifiable health data for servicemembers currently receiving that exchange. DOD's and VA's inability to resolve these differences has impeded coming to an agreement on exchanging seriously injured servicemembers' individually identifiable health data.

At the time, the DOD and VA were attempting to draft a memorandum of understanding to enable them to begin sharing medical information. However, according to the GAO, even if they had completed the memorandum of understanding, HIPAA would have remained a barrier. Specifically, the GAO found,

> . . . the draft memorandum restates many of [the legal authorities contained in the I ["HIPAA"] Privacy Rule for the use and [disclosure of individually identifiable health data. As a result, even if the memorandum of understanding is finalized, DOD and VA will still have to agree on what types of individually identifiable health data can be exchanged and when the data can be shared.

This just does not make any sense.

HIPAA is supposed to ensure the privacy of a patient's medical records, not prevent their transfer, at the patient's request, to his or her doctor.

If the DOD and the VA can't recognize this, then I believe it is time for Congress to clarify it for them.

The Mitchell, Space, Walz, Rodriguez Amendment would require the DOD to provide every member of our Armed Forces a HIPAA authorization form, the voluntary signing of which would legally obligate the DOD to transfer that servicemember's medical records to the VA upon his or her discharge.

I want to emphasize that participation in this process would be completely voluntary. No member would be forced to share his or her medical information because of this amendment.

Rather, the amendment would merely ensure that when a servicemember unambiguously authorizes the transfer of his or her medical information to the VA, that information will, in fact, be transferred.

I want to thank House Armed Services Committee Chairman IKE SKELTON for supporting our amendment. His dedication to our fighting men and women is legendary, and our Nation's veterans are lucky to have him on their side.

I also want to thank Representatives ZACH SPACE, TIM WALZ and CIRO RODRIGUEZ. I am proud to serve with them on the Veterans' Affairs Subcommittee on Oversight and Investigations. They have been full partners in this endeavor, and as the subcommittee's chairman, I am grateful.

Finally, I want to thank Chairman FILNER. His leadership has been invaluable, and I am honored to have his support.

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

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

The Acting CHAIRMAN (Mr. MORAN of Virginia). The question is on the amendments en bloc offered by the gentleman from Missouri.

The amendments en bloc were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ANDREWS:

At the appropriate place in title XV of the bill (relating to authorization of additional appropriations for Operation Iraqi Freedom and Operation Enduring Freedom), insert the following new section:

SEC. 15__. LIMITATION ON AVAILABILITY OF FUNDS FOR PLANNING MAJOR CONTINGENCY OPERATIONS IN IRAN.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this title may be obligated or expended to plan a major contingency operation in Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation or expenditure of funds appropriated pursuant to an authorization of appropriations in any title of this Act other than this title to plan a major contingency operation in Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 3½ minutes.

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

Mr. ANDREWS. Mr. Chairman, I believe that it is in the interest of freedom-loving people around the world to deny the present regime in Tehran access to a nuclear weapon.

The amendment that I submit does not raise the issue of the propriety of Iran having a nuclear weapon. The amendment I submit raises the issue of the propriety of this coequal branch of our government asserting its proper constitutional authority.

My amendment contemplates, Mr. Chairman, the following circumstances, and I want to be very clear about this. If our troops in Iraq become involved in a fight that requires them to in some way engage, in order to defend themselves, Iranian personnel in a given situation, they have the right and power and authority to do so.

Mr. Chairman, if our planners on the military side, as part of their normal planning exercises, as they do throughout the world and around the globe, find it necessary to game out and analyze the circumstances under which we would prepare for conflict with Iran, they have the authority to do so. Any American soldier or servicemember under any circumstances has the authority to defend himself or herself, and the President has the authority to act under emergency or self-defense circumstances. However, in those circumstances under which the President would wish to initiate a major contingency operation in Iran, this amendment says he may not use funds which we have authorized and appropriated to fight the wars in Iraq and Afghanistan.

The amendment asserts the proper constitutional authority of this coequal branch of government. The Constitution vests us, as the duly elected representatives of the people, with the authority and responsibility to decide when this country will initiate hostilities in order to serve our national interest absent an emergency or a self-defense situation. This amendment preserves that emergency authority of the President. It preserves the self-defense authority of the President. But it properly asserts the duly assigned constitutional role of this branch to decide the circumstances under which we should go forward with a major contingency operation.

Mr. Chairman, whether Members believe that we should be more aggressive or less aggressive with Iran, they should support this amendment. Whether Members believe that we should pursue more active diplomacy or a different kind of diplomacy, they should pursue and support this amendment. The question here is not the proper policy with respect to Iran. The question here is the proper allocation of constitutional authorities between and among the branches.

I would urge both Republican and Democratic Members to vote ''yes'' on this amendment.

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

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. SKELTON. Mr. Chairman, if you are a young man or young woman in either Iraq or Afghanistan in American uniform, you would like to know that monies authorized and appropriated from this body for Iraq or Afghanistan will not be diverted to planning any operations elsewhere. That's what this is. This simply ensures that funds that Congress approved for other purposes are not diverted to planning operations against Iran. It's that simple.

It increases the ability of Congress to provide oversight for planning of military operations, and it would not restrict the Department of Defense from planning any necessary contingencies regarding Iran using the base defense budget.

This is a good amendment, and I compliment the gentleman from New Jersey (Mr. ANDREWS) for offering it.

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

The Acting CHAIRMAN. The Chair allocated the time, because there was no objection, to the gentleman from Missouri. If there is unanimous consent, perhaps the gentleman from Missouri could allocate 5 minutes to the gentleman from California.

Mr. SKELTON. I certainly do.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Mr. Chairman, I have enormous respect for my great friend from New Jersey, who has shared and fought on common ground with this Member for many years on items of interest and national defense that we shared support of.

In this case, I must oppose this amendment strongly for this reason. The nation that he's talking about, Iran, borders obviously one of our important warfighting theaters, that is, Iraq. We have seen evidence, it has been reported by our warfighting commanders that Iran has participated in moving instruments of death; that is, extremely effective IEDs that have been used against American troops and will prospectively be used against American troops, into Iraq from Iran.

The idea that we are saying that in this piece of the budget we cannot plan for interdiction of those items, of those weapons that are moving across the border, that we can't plan, for example, for Special Forces operations that we might need to implement or to move into action, to preempt this movement of deadly devices across the border, that we can't plan to extract hostages if they should be taken by Iranian militia or Iranian members of the armed forces is just not practical and it's not reasonable.

You have an Iranian military and intelligence body which has decided to become involved in the war in Iraq. They have moved across the border, and they have moved effective weapons across the border that are being used against American troops. I think it is not wise for us to advertise to our adversaries and to the world that we are establishing a policy that we will not even use money to contemplate or to plan for a reaction against us. I think we have to let them know that we have license, as Americans, to take any actions that might be necessary to protect American troops.

I would object very strongly to this amendment.

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

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

I reciprocate the respect expressed by my friend, the ranking member from California, and respectfully disagree with his interpretation of the amendment.

In a situation where we would want to interdict IEDs, there are two ways

that this bill makes it clear we could do so. The first is, under all of the other titles of this bill that fund all the other operations of our Armed Forces we would have the authority to do so. And second, such an example is not a major contingency operation in Iran under the contemplation of the bill. So we would absolutely have the ability to interdict the creation or transport of IEDs.

Second, with respect to a hostage situation, rescuing hostages is not planning a major contingency operation in Iran. Nothing would preclude our military personnel from executing such a mission should the need arise, either under this title or under the other titles of the bill.

So as I said in my opening remarks, it is clear to me that under emergency or self-defense circumstances, there are no limitations whatsoever. What this amendment does is to properly assert the constitutional authority of this coequal branch of government that if this country is to initiate hostilities, is to conduct a major contingency operation in Iran, the President must come to this body and ask for our permission.

Mr. Chairman, I would yield to my friend from Rhode Island.

Mr. KENNEDY. I support the gentleman's amendment, and I would just point out if this country has learned anything from the last 6 years, it has learned that there must be checks and balances in our government.

We have a war that has been proclaimed based upon lies. We have had a war that has been proclaimed based upon faulty intelligence. And we have had a war that has been proclaimed upon intelligence that has been manufactured. Now we have a public that has repeatedly felt that it has been lied to, and that they want to be heard by their Congress. All we are asking in this amendment is that their Congress have a chance to voice their own through the Representative's opinion before a Commander in Chief throws this country back into another war headlong without the American people having a voice in it.

Mr. ANDREWS. Mr. Chairman, I would yield to the gentleman from Missouri, the chairman of the committee.

Mr. SKELTON. I understand that the gentleman from California requires additional time; is that correct?

Mr. HUNTER. Would the gentleman yield an additional 3 minutes?

Mr. SKELTON. I yield to the gentleman.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, I would just respond to my friend from New Jersey in this way: It says that you can't plan for a major contingency. I am looking at scenarios, and if you have a scenario where you have convoys of IED material being moved from Iran into Iraq and you want to send a team over and make a strike and close a canyon or close a mountain pass or hit that convoy with a major strike, I think many people would classify that as a major action, a major contingency.

□ 1830

So I think that we blurred the line here in that we may have to take what I would consider and many Members here would consider to be major contingencies. The problem is, you have to take those things very quickly.

This war against terror is an era when time is truly of the essence, when hours are important, when minutes are important, when days are important. The idea we have to come back, if you have got to close a pass to keep IEDs that are killing Americans in Iraq from going across that line, we have to come back and get permission from Congress to do that, I think that is not a good advertisement or a good statement of impunity to communicate to the other side, where they think they now have an insulation between an immediate reaction by American Armed Forces.

That is the essence of our resistance to this amendment, and I think it is still very solid.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I think this amendment ought to be called the ''George W. Bush Amendment,'' because if it were any other President, I don't think we would have to worry about this. But this President has so undermined the confidence of the institution of the Presidency, it has brought this amendment to the floor; because I think this President has so jeopardized the confidence in the Presidency of the United States that the people, after the experience of this President, have become so distrustful that this President is going to drag them into another war under unwarranted circumstances that they would support an amendment like the one of the gentleman from New Jersey. And that is why I would call it the ''George W. Bush Amendment,'' for no other reason than it is because of George W. Bush that this amendment seems to be necessary.

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

Mr. Chairman, let me just say to my friend, I just reviewed it the other day, and I don't need to look at any statements by George W. Bush about whether or not we should have gone into Iraq, because the most damning statements about Saddam Hussein and his weapons of mass destruction, the most conclusive statements that indeed he must have them and that he must be brought to justice quickly, were not made by George W. Bush. They were made by people with the last name of Clinton, of Gore, of Kerry. I reviewed all of the videotapes of their speeches in which they absolutely laid out a case against Saddam Hussein.

So I hope we don't replow the ground of who shot John here in terms of statements with respect to the state of Iraq and its weapons of mass destruction.

I think we need to get back to the substance of this debate, and that is, are we foreclosing an immediate response if it is necessary.

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

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. All you have to do, Mr. Chairman, is read the amendment. This amendment does not preclude any effort of expending funds from the base Defense authorization appropriation. This merely makes sure that the moneys meant for Afghanistan, meant for Iraq, go to those soldiers, marines, sailors and airmen there. It is that simple.

As my old law school professor once said: read it. What does it say?

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds to explain again why I think it is impractical to put this dividing line between this funding.

If there has to be a strike, if there has to be preemption because IED material is moving across the border that could injure our soldiers, our sailors, our airmen, our marines, probably the reactive force is going to be led by one of the combatant commanders who is in the Iraqi theater and who is being funded by money under OEF or OIF. It is probably not going to come. And the idea you can't have uniformed personnel expending his time and his staff's time planning what it is going to take to defend his soldiers, sailors, airmen or marines from interference from the Iranian side of the border, is, in my estimation, not practical.

Those are the forces that are going to be responding, and I think we have to let them put together that contingency plan.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Mr. Chairman, pursuant to sections 3 and 4 of House Resolution 403, and as the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole and following consideration of amendment No. 38, the following amendments be considered in this order: amendments en bloc No. 2 and amendments numbered 20, 49, 31, 15 and 32.

The Acting CHAIRMAN. The gentleman from New Jersey (Mr. ANDREWS) has 3 minutes remaining.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, this President has used the resolution that we passed some years ago as a blank check to take us into a disastrous situation in Iraq, leaving Afghanistan half done.

What we are trying to do with this amendment is simply say to the President, you have to stay where we put the money. If you want to come out and go after Iran in a preemptive way, as you did against Iraq when you had no evidence, when you came to this floor and presented evidence that

turned out not to be true, and use that as a pretext for going into war, we are heading for in Iran, in my view, another Gulf of Tonkin kind of situation, where you cook up a situation.

This administration took down the border between Iran and Iraq and now complains to us everywhere that we are getting all kinds of weapons coming in from Iran. Using that as a pretext, the Arab press yesterday reports that the Vice President was in the Middle East telling people that war is coming, telling them that the problems in Iraq don't keep us out of anything. They won't be any hindrance to us going into Iran.

This amendment is simply an attempt to put a minor block in the way of this administration's desire to widen this war, probably to get people's minds off how bad it is in Iraq.

This is supposed to be winding down in Iraq because of the escalation. But in fact that is not what is happening. We are losing more soldiers every day. We have had the bloodiest months in this war.

This amendment is simply to say the United States Congress will decide where this country goes to war, not the President, who wants to go out and create whatever situation he wants in the world.

I urge the adoption of this amendment.

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

Mr. Chairman, I think we have had a healthy, robust debate on this question, and I urge a ''yes'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

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

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

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

AMENDMENT NO. 14 OFFERED BY MR. DEFAZIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. DEFAZIO:

At the appropriate place in title XII of the bill (relating to matters relating to foreign nations), insert the following new section:

SEC. 12__. REQUIREMENTS CONCERNING THE USE OF MILITARY FORCE AGAINST IRAN.

(a) RULE OF CONSTRUCTION.—No provision of law enacted before the date of the enactment of this Act shall be construed to authorize the use of military force by the United States against Iran.

(b) REQUIREMENTS.—Absent a national emergency created by attack by Iran upon the United States, its territories or possessions, or its armed forces, no funds appropriated pursuant to an authorization of appropriations in this Act or any other Act may be obligated or expended to initiate the use of military force against Iran unless the President receives authorization from Congress prior to initiating the use of military force against Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, to address criticisms raised on the first amendment, this would not prevent retaliation for an attack upon U.S. troops. It would not prevent going into Iran to retrieve captured troops. But what it would do is say that we have not authorized, as some in this administration allege, a preemptive war against Iran because of the Iraq resolution or the 9/11 resolution. That simply is not true. They were not that all encompassing.

Further, it would also challenge a letter I had on April 18, 2002, from then-White House counsel, the esteemed Mr. Gonzales, who claims that the President has unilateral war-making authority under the Constitution.

No. This simply restates the Constitution of the United States and the War Powers Act. It is law, 93–148, and article I, section 8, of the Constitution.

This is not about whether or not military action against Iran is wise or necessary. Regardless of how you come down on that question, I urge you to support the amendment. It is not about binding the President's hands so he couldn't retaliate if they are involved in attacking our troops or capturing our troops in the area. It allows, as does the War Powers Act, in the event of any attack by Iran on the United States, its territories or possessions or Armed Forces, it is fully within the President's purview to respond.

There are many who are concerned about the growing nuclear capability of Iran, and I share those concerns. But the question that some day possibly in the future they might have a missile that could work, they might have nuclear weapons, does not dictate that we should have a preemptive war now; and if the President wants to make the case that that warrants a preemptive war, he should come to the war-making body, the Congress of the United States, make that case, present his evidence and have a lawful vote.

Plain and simple, that is all this amendment does, although I am certain other allegations will be made.

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

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

Mr. Chairman, I rise in strong opposition to this amendment. We have been at war with the radical Islamic jihadists ever since they supported and fomented that storming of our embassy in 1979. They held Americans hostage and they held them for 444 days, and every President since President Carter has renewed the national emergency with respect to Iran, most recently on March 8 of this year.

If you look at the War Powers Act, Mr. Chairman, it states that a national emergency does justify the President utilizing his constitutional powers as Commander in Chief. My reading of this amendment is that this proposal, this amendment, changes the War Powers Act and extracts that power from the President of the United States. We have had Democrat and Republican Presidents renewing that finding and that national emergency status with respect to Iran.

Just to say further, Mr. Chairman, we all know, and I just talked about this, we know that Iran through its proxies helped and aided in the attack against Americans at Khobar Towers, which killed 19 Americans and injured 372 other Americans and other people who were in that area. We know that the Iranian-backed insurgents are killing American troops with IEDs, and some of that IED expertise and the materials themselves are being transferred from Iran. We know that they are assisting in attacks against Americans in Afghanistan.

A couple of weeks ago the Chairman of the Joint Chiefs, General Pace, said, ''We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran. The arms included mortars and C–4 plastic explosives.''

□ 1845

So, Mr. Chairman, every Member of this body should be strongly opposed to this particular amendment.

Mr. Chairman, I would like to yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to this amendment.

There is no denying that Iran's bloodthirsty regime would gladly destroy the United States, annihilate Israel and destabilize Iraq. Iran's hand in terrorist activities around the Middle East is clear. Iran's President continues to threaten Israel. I believe he stated he would wipe Israel off the map. And he continues to pursue nuclear weapons so he can dominate the Middle East and threaten his neighbors.

We have tried to stop Iran from obtaining those weapons. We have increased sanctions on firms that do business with this dangerous regime. We have worked with our allies and the United Nations.

And yet with all of these efforts, just yesterday, we learned that the sanctions have done precious little to impede Iran's march towards obtaining nuclear weapons.

According to the IAEA, and by Iran's own bravado, Iran is now beginning to enrich uranium on a far larger scale than ever before.

Mr. Chairman, this is not the time to be tying our hands on Iran. We all seek a peaceful solution. No one wants another war. But if we don't take a tough stance on Iran and maintain the threat of military action, Iran will get the message that we don't care if it gets nuclear weapons. It will allow the most dangerous regime in the world to continue its quest for regional and world domination, and destroy the only democratic country and the United States' most reliable ally in the region, Israel. I urge opposition to this amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Oregon for yielding, and also for your leadership on this issue.

I am very concerned with Iran's efforts to acquire nuclear weapons, like I am concerned about any country's efforts to acquire nuclear weapons. Preventing this, though, will not happen through military action.

Unfortunately, the President's saber rattling against Iran is only increasing and is eerily similar to the march to war with Iraq. We must act to prevent another war of preemption, this time against Iran.

That is why this amendment is so important. It would clarify that no previous authorization constitutes an authorization to use force against Iran.

Secondly, this amendment would make certain that no funds would be used to take military action against Iran in the absence of specific congressional authority or a direct attack as defined by the War Powers Act.

Beyond this, we must make certain that the United States is not funding covert action intended to cause regime change in Iran. Unfortunately, the Rules Committee did not rule in order an amendment that I would have that allowed for this sort of debate.

I urge my colleagues to support this amendment and also to recognize that this is a critical first step this body can take in preventing war with Iran.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, we all realize that it is the responsibility of every Congress to ensure that the current administration adheres to the Constitution and the rule of law.

Most of us understand how this administration used the policy office within the Pentagon to falsify intelligence and to provide the Congress with false information in an attempt to justify the illegal invasion of Iraq and the subsequent disastrous military occupation which has been going on there now for more than 4 years.

This amendment makes perfect sense. It simply ensures that kind of behavior by this administration is not extended now into another country in the Middle East, Iran, based upon the same falsification of information and failure to adhere to its obligations under the Constitution.

This amendment must be passed. It makes perfect sense, and it ensures the security of our country and makes sure that our military personnel are not exposed to the kinds of danger that they have been exposed to as a result of the falsification of intelligence by this administration. Let's pass this amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

I would just offer to my colleague who just spoke and my other colleagues that there are the strongest statements for invasion of Iraq that took place before President Bush came into office, and those were the now famous speeches that were made by three Senators by the name of KERRY, CLINTON, and GORE.

Mr. Chairman, the War Powers Act clearly calls for the ability of the Commander in Chief to introduce American military force where an emergency with respect to a nation has been declared. That emergency with respect to Iran has been declared by every American President since President Carter in 1979. This is not extra-constitutional. The law as it presently exists is consistent with the Constitution. This would infringe. In fact, this would roll back the War Powers Act. Every Member should vote against this amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

The President is not reading in full the War Powers Act. It says the President's constitutional powers ''are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.''

My amendment actually allows that exact language. If our troops are attacked, if we are attacked, if our territories are attacked, then the President could retaliate. So I am restating the war powers.

In this case we also heard about a declaration of war from the gentlewoman from Nevada. The Congress has the authority to take up a declaration of war tonight, tomorrow, anytime it deems fit against Iran. Nothing in this amendment would prevent a Congress from declaring war.

It is just saying if you want to have a preemptive war under the Constitution of the United States, a preventive war, then you need to come to Congress under article I, section 8.

If you believe in the Constitution of the United States and the powers of this branch, vote for this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

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

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

AMENDMENT NO. 21 OFFERED BY MS. WOOLSEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–151.

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. WOOLSEY:

At the end of title I, insert the following:

SEC. 1___. STUDY ON NEED FOR WEAPONS SYSTEMS THAT WERE ORIGINALLY DESIGNED TO FIGHT THE COLD WAR AND THE FORMER SOVIET UNION.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study on the weapons systems being produced for the Department of Defense that were originally designed to fight the Cold War and the former Soviet Union.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, and to the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate a report on the results of the study carried out under subsection (a). The report shall identify the weapons systems covered by the study and, for each such weapons system, shall—

(1) describe whether the weapons system meets current needs;

(2) specify, and compare, the cost of fitting the weapons system to meet current needs and the cost of developing and procuring a new weapons system to meet current needs;

(3) explain the reasons why the weapons system continues to be produced for the Department; and

(4) quantify and describe the savings achieved by decommissioning and dismantling weapon systems no longer needed as a result of the demise of the former Soviet Union the threats it posed to national security.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is our job in Congress to make tough decisions. So given the quagmire in Iraq which is costing $273 million every day, and our troops still don't have the training and equipment they need, and given we have critical needs at home that aren't being fully funded, needs like children's health care, rebuilding the gulf coast, keeping our promise to veterans, repairing tornado-ravaged towns and collapsed bridges, and I could go on and on, and you know it.

Sadly, we are still spending at least $60 billion every year to build and

maintain weapons that were specifically designed to fight the Soviet Union. It is not exactly the threat we need to worry about in the year 2007. That's why I am offering this amendment to H.R. 1585, an amendment that would require the DOD to identify all weapon systems that are currently being produced that were designed to fight the Cold War, identify their usefulness, and evaluate the cost of savings for eliminating these programs.

My amendment wouldn't eliminate a single program. Rather, it is simply asking the Department of Defense to take an inventory of what they are building that was designed to fight the Cold War and report back to Congress.

This December will mark the 18th anniversary of a meeting in Malta where the first President Bush and Soviet President Mikhail Gorbachev declared an end to the Cold War. From there, it was another couple of years before the Soviet Union was disbanded, the Berlin Wall came down, and the Iron Curtain collapsed. The Cold War is over. It is time that the Department of Defense realized this and made the proper adjustments in their procurement programs.

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

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

The Acting CHAIRMAN. The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, we are in strong opposition to this amendment. In fact, the Armed Services Committee under the very able chairmanship of the gentleman from Missouri has finished a number of oversight hearings. The subcommittees that are involved in the Armed Services Committee and in Defense Appropriations Subcommittee have undertaken extensive hearings and analysis of every weapons system that we have. And, of course, you have many weapons systems that were built 20–30 years ago that were highly relevant, like the C–130s that Members fly on, that are the backbone of the transportation system, the intratheater transportation system in Iraq and Afghanistan, the Bradley fighting vehicles, M–1 tanks. There is no weapon system that comes out of a production line with the word ''Cold War'' on it, so the relevance and the importance and the use of weapons has been carefully and closely analyzed by the important committees, the oversight committees, and we are aided in that by the Quadrennial Defense Review that is done by the administration where they make their case for what they think that we need, and the President makes that proposition which is manifested in his budget. And after hearings, the members of this committee and the full body, this House of Representatives, respond with our cut on what we think we should do with respect to arming and maintaining and equipping our military forces.

So I would just strongly oppose the gentlelady's amendment, and say I have great respect for the gentlelady.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise in opposition to this amendment.

The Department of Defense can and should review its weapon systems to ensure they are relevant to current threats. But by arbitrarily singling out Cold War systems, this amendment sends DOD the wrong signal.

The House Armed Services Committee has provided thorough and aggressive oversight in considering DOD's budget request. While fully funding the Department, the committee cuts billions of dollars from major programs we found to be outdated or irrelevant to current and future threats, shifting those funds to more urgent priorities such as the Mine Resistant Ambush Protected vehicle, MRAP vehicle. Every one of the weapons systems covered by the amendment has been reviewed during the three Quadrennial Defense Reviews held since the Cold War ended.

□ 1900

Many Cold War systems, like the Abrams tank, Bradley Fighting Vehicle and the B–52 bomber, have proven tremendously useful and effective in current operations.

This bill reflects responsible weapons priorities for current and future conflicts. I oppose this amendment because it puts DOD priorities in the wrong place, and I thank the gentleman from California and our chairman.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank my friend and colleague, a great leader, Congresswoman WOOLSEY, for her leadership once again on a very, very important issue.

It has been 16 years since the collapse of the Soviet Union. Yet I find it mind-boggling that in the last decade-and-a-half the Pentagon has continued to waste tens of millions, and billions really, of dollars buying outdated Cold War-era weaponry for a national security threat that does not exist.

Mr. Chairman, our spending on security should address the current threat that we face. That's why this amendment is so important.

By identifying and evaluating the usefulness of Cold War weapons systems, the report from the Pentagon that this amendment would require will give us a good starting point for eliminating wasteful programs. Contrary to what has been said, this is not arbitrary. In fact, military experts have identified at least $60 million in these weapons systems.

By getting rid of these outdated programs, we'd not only make the much-needed investment in ensuring health care for all of our children, improving our public schools, ending our dependence on foreign oil, but also improving our homeland security.

When you think about it, really, domestic security is national security. We don't need to sacrifice our domestic needs to ensure that our Nation remains safe. This amendment will take steps towards making this balance possible.

So I urge my colleagues to look at this amendment. It is very practical. It is very rational. It is very reasonable. And I want to thank my colleague from California for bringing this forward again so that we can really begin to have a full debate with regard to the taxpayer dollars.

We need to look at where our tax dollars are going in terms of the real threat that exists now in this 21st century. Certainly it has nothing to do with the Soviet Union. Certainly it has nothing to do with the Cold War era.

Mr. HUNTER. Mr. Chairman, I would just say we strongly oppose this amendment, and I yield back the balance of our time.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank my friend and colleague from California for raising this issue, which I think is very important.

We are now confronting a situation in Iraq where the number of our military personnel who have been killed is approaching 3,400. Tens of thousands of others have been physically wounded, many of them very seriously. A good number of those deaths and wounds may be attributed to the lack of proper equipment.

We went into that situation, this administration sent our military forces into that circumstance there, without properly preparing for what they had to confront. In fact, they didn't have any idea what they were likely to confront. Many of the issues are that we have not developed the kinds of protection, the kinds of equipment, including transportation equipment and personal protection equipment, a whole host of things that are relevant to this situation, while we spend billions of dollars on materials that may have been necessary during the Cold War but which are no longer necessary now.

We need what this amendment calls for, a re-evaluation of those military activities and equipment, and this is a very simple thing, and it should be done.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 38 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 38 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. ISRAEL:

At the appropriate place in title XII of the bill (relating to matters relating to foreign nations), insert the following new section:

SEC. 12__. REPORT ON OPERATIONAL STATUS OF THE AIRFIELD LOCATED IN ABECHE, CHAD.

(a) FINDINGS.—Congress finds the following:

(1) Sudan has been ravaged by civil war for four decades.

(2) More than two million people have died in Southern Sudan over the past two decades due to war-related causes and famine and millions have been displaced from their homes.

(3) The airfield located in Abeche, Chad is near the border between Chad and Sudan.

(4) Although the Abeche airfield is currently used for military transportation and humanitarian missions, it may be in need of upgrades to allow for increased air traffic, including upgrades to the airstrip and hangers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, with the concurrence of the Government of Chad, should help provide for the necessary upgrades to the airfield located in Abeche, Chad in order to support potential North Atlantic Treaty Organization operations, facilitate a possible United Nations deployment to Chad and the Darfur region of Sudan, and support humanitarian operations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the current operational status of the airfield located in Abeche, Chad and recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, I have drafted this amendment with the gentlewoman from California (Ms. LEE) to send a clear and unequivocal message to the Government of Sudan that we will proactively explore every option and bear the burdens necessary to help stop the genocide in Darfur.

400,000 innocent people have been murdered in Darfur, 2 million refugees, and through it all, the Government of Sudan tests the will and the patience of the United States, the United Nations and the entire world. This amendment says that we have the will and we are running out of patience.

One hundred miles from Darfur in Chad is the Abeche Air Base. If diplomacy fails, if Sudan continues to defy the world and perpetuate this genocide, that air base can be used for potential NATO operations. It can be used for a possible U.N. peacekeeping force. It can be used for humanitarian missions.

Our amendment expresses the will of Congress to make the upgrades necessary to that air base and requires the Department of Defense to report within 90 days on specifically what upgrades may be necessary and what the costs will be.

It says to Sudan, we will not turn our backs, we will not close our eyes, we will prepare.

I urge passage of this amendment.

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

Mr. HUNTER. Mr. Chairman, I'm not in opposition to the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Mr. Chairman, if Mr. ISRAEL had additional speakers, I'd be happy to defer to him and then take my time afterwards, if he has somebody ready to talk.

Mr. ISRAEL. I very much thank the gentleman, and I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first, I want to thank the gentleman from New York for your leadership and for your commitment to ending this horrific genocide.

This is an issue that we have worked on together for a while. This issue has been bipartisan, and once again, this is one step forward to hopefully end the carnage that's taking place in Darfur. So I thank Mr. ISRAEL again for your commitment to end this.

This amendment is really very simple. It seeks to expand the delivery of humanitarian assistance and to speed the deployment of peacekeepers to the Darfur region of Sudan by exploring the possibility of upgrading a nearby airfield in Abeche, Chad.

The amendment expresses the sense of Congress that we should work with the Government of Chad to upgrade this airfield. It also requests that the Pentagon provide Congress with a report on the current operational status of the airfield, including recommendations and cost estimates for upgrading it to accommodate the enhanced operations and increased air traffic.

We have spoken out repeatedly on this floor in condemnation of the ongoing genocide in Darfur, but it bears repeating that nearly 3 years ago, on July 22, 2004, under the leadership of a great leader, Congressman DON PAYNE, Congress declared that genocide was taking place in Darfur. To date, estimates indicate that nearly 450,000 people have been killed, and 2.5 million innocent civilians have been displaced.

Quite simply, genocide is happening on our watch, and we have a responsibility to utilize every tool at our disposal to put a stop to it. This is another effort in that direction, and so I want to thank Mr. ISRAEL for your leadership.

Not only must we do this. We must pursue divestment for companies doing business in Khartoum. We must lean on China to leverage their influence with Sudan to help stop the violence, and we must continue to urge all parties, the rebels and the government, to lay down their arms and come to the table to negotiate a political situation, but we cannot and we should not hold a cease-fire declaration hostage to a peace agreement or vice versa.

So please support this amendment. I thank Mr. ISRAEL again for your leadership.

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

Mr. Chairman, I want to thank Mr. ISRAEL and Ms. LEE for bringing this amendment. We all have our eyes focused on the warfighting theaters in Iraq and Afghanistan, and if we turn our focus to Darfur and look at the history and the number of deaths which number, and the estimates I have seen are between 250,000 and 400,000, many of them inflicted by this so-called janjaweed militia which comes into villages in Darfur and ravages the village, burns them, we have seen the pictures that have been circulated by our own Member, Mr. WOLF, and by Senator BROWNBACK from their recent trips, which show burned-out villages with the women abused, with many of the villagers killed, some of them killed by strafings, by helicopter gunships which have been purchased from China and from Russia, with small arms sales taking place specifically from the Chinese and the Russians. And we see a situation in which the Free World and the civilized world has not been able to have much of an effect.

I'd ask Mr. ISRAEL, my colleague, of your take on this very difficult situation.

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

Mr. HUNTER. I yield to the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I appreciate it. The gentleman is correct. That is, in fact, exactly what we are trying to get at, and that is embodied in this resolution, and I want to thank the gentleman.

This is an example of where Republicans and Democrats can agree. We argue about a lot on this floor, but let there be no mistake. When there is genocide, when there are massacres, Republicans and Democrats will stand together in opposition to that genocide.

Talking about it is not enough. We need to prepare for all contingencies, and that's what this resolution does.

Mr. HUNTER. I thank the gentleman, and let me make an offer to this gentleman.

You have got this great idea of using this airfield, which is about 100 miles from the border, to bring in nongovernmental organizations which can bring

in food, bring in medicine to the displaced villagers. We work in my office with a number of groups, one of them called Rescue Task Force, which has built medical centers around the world and brought in food and medicine in many very difficult situations.

I'd like to offer to work with the gentleman with this nongovernmental organization, Rescue Task Force, and others to bring in food and medicine to that particular location. Let's see if we can't maybe help lead out by getting some NGOs to start using this particular airfield. And I'll be happy to join the gentleman; I know Mr. SAXTON will be happy to join in this, Mr. WOLF and others.

Let's get a letter, maybe a meeting with the State Department, with the administration, see if we can't get this review of this airfield immediately and start getting some supplies into it, and maybe we can lead the world, the humanitarian world, as Americans, as we do so often, in moving supplies into the airfield that you have identified.

So I support this very, very strongly. And I didn't know if Mr. SAXTON wanted to involve himself in this discussion, but I know he wants to help here, too. If the gentleman would take me up on that offer, and if he's got a nongovernmental organization in mind, let's move out on this one. It looks like an excellent, excellent opportunity for cooperating and helping.

Mr. Chairman, I yield back my time.

Mr. ISRAEL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from New York (Mr. ISRAEL) for yielding and thank you for the leadership given.

We join you and we thank Congresswoman BARBARA LEE as well. We have been working, Congressman PAYNE, members of the Congressional Black Caucus, and this entire caucus have been working on this issue, and want to thank you for, I think, what is a holistic, bipartisan approach.

I would call it an undiscovered airfield, but it is not. Obviously, it is an airfield that represents a strategic location for the goals of your amendment.

I think it's important to note that the slaughter still continues in Darfur; the slaughter still continues in Sudan. And I was told just recently, and I appreciate the Save Darfur Coalition that we have all worked with that repeatedly come to your offices and tell you that the slaughter still goes on, that humanitarian workers have also been put in jeopardy.

Women who are trying to get firewood, and isn't it a simple task? And many of us don't understand, they are still getting firewood, and that is, women who are leaving villages, even in Chad, where I have gone to the refugee camps, women will leave those refugee camps to get, if you will, the firewood for their income, for their survival, and will be raped and sometimes beaten as they go to do that.

□ 1915

To have a place for the humanitarian workers and the airlift that is necessary, both in Darfur and also in other regions of Sudan, can be lifesaving.

I hope, as the ranking member of the full committee indicated his interest of collaboration, that we too can collaborate and work with you and work with this final solution. I like to call it final, because, as you well know, the deaths are peaking.

I want to say to the ranking member, Mr. HUNTER, as I also thank the chairman of the full committee, because this is a unique amendment. Both of you, of course, had to agree on the uniqueness of this amendment.

But the idea of it is that humanitarian workers are not safe. Therefore, it is important for those humanitarian workers to be safe. I simply say this is an excellent amendment. I thank you, and I encourage everyone to support and vote for this amendment in order to save lives in the Sudan.

Mr. ISRAEL. Mr. Chairman, I will wrap up. We have heard this evening that this resolution enjoys bipartisan support and support with Members with different ideologies.

The cosponsor of this amendment, the gentlewoman from California (Ms. LEE), and I have different ideologies. I tend to lean to the right on national security issues, she tends to lean to the left. But we are united in sending a message around the world that we will not allow genocide to occur.

After the Holocaust, the world embraced the slogan, ''Never Again.'' What this resolution does is say that we will explore every option to keep our promise to that slogan so that it is not just words.

I also want to point out that the resolution, in addition to having the support of the distinguished ranking member of the House Armed Services Committee, Republicans and Democrats, also was supported by Citizens for Global Slogans, Enough, the Project to Abolish Genocide and Mass Atrocities, the Genocide Intervention Network, the Save Darfur Coalition and the Truman National Security Project. This is something that we can all agree on. I am grateful to the chairman of the Armed Services Committee.

Mr. HUNTER. Would the gentleman yield?

Mr. ISRAEL. I will yield to my friend.

Mr. HUNTER. I thank the gentleman for yielding.

Let me offer we have these great nongovernmental organizations, we have a lot of people who have been displaced and abused in Darfur. They desperately need food and medicine. I will commit to the gentleman that we will try to work with these NGOs that we know of and let's try to work together in a partnership and try to get a plane load of supplies into that airfield or another one by the first of July. That's a little more than a month from now.

Let's work together. We will start working today to try to get this done. Let's prod the good old State Department and DOD to get out there and survey that airfield.

Mr. ISRAEL. Reclaiming my time, I appreciate the gentleman's exuberance. I certainly will work with him and with the chairman of the Armed Services Committee to work on a truly bipartisan effort that genocide will not be tolerated, and we will explore every option and push every button we need to.

I thank the gentleman. We will work with him.

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

The Acting CHAIRMAN. The question is on the amendment of the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 2, 3, 6, 12, 13, 22, 23, 24, 25, 39, 44, 45 and 46 printed in House Report 110–151 offered by Mr. SKELTON:

AMENDMENT NO. 2 OFFERED BY MR. SAXTON

The text of the amendment is as follows:

At the end of title X, add the following new section (and conform the table of contents accordingly):

SEC. 1055. BACKGROUND INVESTIGATIONS REQUIRED FOR CIVILIANS ENTERING MILITARY FACILITIES AND INSTALLATIONS.

(a) BACKGROUND INVESTIGATIONS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1567. Civilian entry to military installations or facilities: background investigation required

''(a) IN GENERAL.—Any unescorted civilian seeking access to a military installation or facility, or any civilian who is an employee of a contractor or vendor of a military installation or facility, may not be allowed to enter the installation or facility unless a background investigation has been conducted on such individual in accordance with subsection (b).

''(b) BACKGROUND INVESTIGATION.—A background investigation required under this section—

''(1) shall be conducted by the Department of Defense through the National Crime Information Center of the Federal Bureau of Investigation;

''(2) shall verify the citizenship of the individual and make every effort to verify the individual's true identity; and

''(3) shall determine whether there is an outstanding warrant for the individual's arrest and whether the individual is on a terrorist watch list.

''(c) EXEMPTION FOR DEPARTMENT OF DEFENSE IDENTIFICATION CARD HOLDERS.—The requirement for a background investigation under this section shall not apply to individuals possessing a valid Department of Defense identification card.

''(d) WAIVER FOR COMMUNITY EVENTS.—The base commander of a military installation or facility may waive the requirement for a

background investigation under this section for persons attending base-sponsored community activities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1567. Civilian entry to military installations or facilities: background investigation required.''.

(b) EFFECTIVE DATE.—Section 1567 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

AMENDMENT NO. 3 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

At the end of title XXXV add the following:

SEC. ___. REPORT OF VESSEL DISPOSAL PROGRAM.

Not later than October 1, 2007, the Secretary of Transportation shall submit to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the current plan for the disposal of non-retention vessels in the National Defense Reserve Fleet. The report shall include a listing of the vessels that the Maritime Administrator determines have the highest risk for environmental damage to the local estuary if further deterioration continues, an explanation of the classification system used to make such determination, and a detailed plan for the disposal of those vessels identified as significant environmental risks.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF WASHINGTON

The text of the amendment is as follows:

Strike section 233 and insert the following:

SEC. 233. REDUCTION OF AMOUNTS FOR ARMY VENTURE CAPITAL FUND DEMONSTRATION.

The amount in section 201(1), research, development, test, and evaluation, Army, is hereby reduced by $10,000,000, to be derived from the Army Venture Capital Fund demonstration.

AMENDMENT NO. 12 OFFERED BY MR. JOHNSON OF GEORGIA

The text of the amendment is as follows:

At the end of title XXIV, add the following new section:

SEC. 2405. WOUNDED WARRIOR FACILITY SUPPORT.

(a) AUTHORIZATION OF ADDITIONAL PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense is authorized to carry out the following additional projects (in the following amounts):

(1) National Naval Medical Center, Bethesda, Maryland Enhanced Warrior Care Center, $33,000,000.

(2) DeWitte Army Medical Center, Fort Belvoir, Virginia:

(A) Enhanced Fort Belvoir Capability, $43,000,000.

(B) Fort Belvoir Price Inflation/Scope Adjustment $93,000,000.

(b) OFFSETS.—To offset the funds needed for the projects referred to in subsection (a), an undistributed reduction to the authorization of appropriations in section 2404(a)(9) is provided in the amount of $169,000,000.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII, add the following new section:

SEC. 2817. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

AMENDMENT NO. 22 OFFERED BY MR. MORAN OF VIRGINIA

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2822. CONDITIONS ON TRANSFER OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES TO FORT BELVOIR, VIRGINIA, AS PART OF REALIGNMENT OF THE INSTALLATION.

Notwithstanding section 2904(a)(5) 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), members of the Armed Forces and civilian employees of the Department of Defense who are scheduled to be relocated to Fort Belvoir, Virginia, as a result of the closure of leased-office space in Arlington, Virginia, pursuant to the recommendations contained in the report transmitted to Congress on September 15, 2005, under section 2903(e) of such Act may not be relocated to Fort Belvoir, until—

(1) the Secretary of the Army submits to Congress written certification that the necessary transportation infrastructure, as identified by the environmental impact statement prepared by the Department of the Army for the Fort Belvoir realignment, to accommodate the total number of members and civilian employees to be assigned to Fort Belvior and their dependents, is substantially completed; and

(2) the 60-day period beginning on the date on which the certification is submitted under paragraph (1) expires.

AMENDMENT NO. 23 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

At the end of subtitle D of title X, add the following new section:

SEC. 1034. REPORT ON IMPACT ON FAMILIES OF MILITARY PERSONNEL SERVING MULTIPLE OVERSEAS DEPLOYMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress regarding the impact, including the financial and emotional effects, of multiple overseas deployments on the families of members of the Armed Forces serving those multiple deployments as part of Operation Iraqi Freedom and Operation Enduring Freedom.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

Title V, subtitle C, add at the end the following:

SEC. 5____. INTENSIFIED EFFORTS TO PUBLICIZE AND AWARD SCHOLARSHIPS TO STUDENTS ATTENDING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND HISPANIC-SERVING INSTITUTIONS.

The Secretary of Defense shall take due care to ensure that the Army National Guard and Reserve ROTC scholarships provided in this title are available to students attending Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institutions as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

AMENDMENT NO. 25 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The text of the amendment is as follows:

At the end of title XI, add the following:

SEC. 1112. EXTENSION OF INFORMATION TECHNOLOGY EXCHANGE PROGRAM WITH RESPECT TO THE DEPARTMENT OF DEFENSE.

Section 3702(d) of title 5, United States Code, is amended by striking all that follows ''may commence after'' and inserting the following: ''the end of—

''(1) the 5-year period beginning on the date of the enactment of this chapter, except as provided in paragraph (2); or

''(2) in the case of the Department of Defense, the 8-year period beginning on the date of the enactment of this chapter.''.

AMENDMENT NO. 39 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

At the end of subtitle D of title X, add the following new section (and conform the table of contents accordingly):

SEC. 1034. COMMERCIAL AVIATION TECHNOLOGIES.

(a) STUDY.—The Secretary of Defense shall conduct a study to examine the methods by which United States air carriers and aviation technology companies research, develop, and deploy commercial aviation technologies, including processes and products, and to determine the applicability of the technologies to military use.

(b) CONTENTS.—In conducting the study, the Secretary shall determine whether technologies developed for commercial air carriers in any of the following areas are well-suited for technology transition programs:

(1) Flight planning.

(2) Flight operations and tracking.

(3) Aircraft maintenance, repair, and overhaul.

(4) Increasing fuel efficiency.

(5) Optimizing labor productivity.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on the results of the study, together with recommendations on whether the Department of Defense would benefit from commercial aviation technology solutions and, if so, which types of solutions would best support the mission of the Department.

AMENDMENT NO. 44 OFFERED BY MR. BOREN

The text of the amendment is as follows:

At the end of subtitle H of title V insert the following new section:

SEC. 577. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 988. Unauthorized use of names and images of members of the armed forces

''(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any

merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

''(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

''(1) is a member of the armed forces; or

''(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

''(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

''(A) is the protected individual, if living; and

''(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

''(i) The surviving spouse.

''(ii) The children.

''(iii) The parents.

''(iv) The grandparents.

''(v) The siblings.

''(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''988. Unauthorized use of names and images of members of the armed forces.''.

AMENDMENT NO. 45 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 28___. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS IN DEPARTMENT OF DEFENSE FACILITIES.

(a) CONSTRUCTION AND ALTERATION OF BUILDINGS.—Each building constructed or significantly altered by the Secretary of Defense or the Secretary of a military department shall be equipped, to the maximum extent feasible as determined by the Secretary concerned, with lighting fixtures and bulbs that are energy efficient.

(b) MAINTENANCE OF BUILDINGS.—Each lighting fixture or bulb that is replaced in the normal course of maintenance of buildings under the jurisdiction of the Secretary of Defense or the Secretary of a military department shall be replaced, to the maximum extent feasible as determined by the Secretary concerned, with a lighting fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Secretary of Defense or the Secretary of a military department shall consider—

(1) the life cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Secretary concerned determines appropriate.

(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(2) the Secretary of Defense or the Secretary of a military department has otherwise determined that the fixture or bulb is energy efficient.

(e) SIGNIFICANT ALTERATIONS.—A building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional authorization under section 2802 of title 10, United States Code.

(f) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirements of this section if the Secretary determines that such a waiver is necessary to protect the national security interests of the United States.

(g) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of the enactment of this Act.

AMENDMENT NO. 46 OFFERED BY MR. ALTMIRE

The text of the amendment is as follows:

At the end of subtitle G of title VI insert the following:

SEC. 674. LEAVE FOR MILITARY FAMILIES.

(a) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

''(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.''.

(b) INTERMITTENT OR REDUCED LEAVE SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following new sentence: ''Subject to subsection (e)(3) and section 103(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking ''or (C)'' and inserting ''(C), or (E)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following new paragraph:

''(3) NOTICE FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.—In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable based on notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following new subsection:

''(f) CERTIFICATION FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.''.

(f) DEFINITION.—Section 101 of such Act (29 U.S.C. 2611) is amended by adding at the end the following new paragraph:

''(14) CONTINGENCY OPERATION.—The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10, United States Code.''.

In the table of contents in section 2(b), after the item relating to section 673 insert the following new item:

Sec. 674. Leave for military families.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Armed Services Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I would like to begin by thanking Chairman SKELTON and Ranking Member HUNTER for constructing such an impressive bill. We in Congress have no greater duty than that of taking care of our soldiers, marines, sailors and airmen when they are serving both abroad and at home.

Our wounded heroes face a system which, while it provided extraordinary service to many, has undergone serious challenges in the proper treatment of some who have given us so much. This amendment would provide necessary facility improvements at both the National Naval Medical Center, Bethesda, and DeWitt Army Medical Center to support commercial medical standards.

Furthermore, this would provide the necessary consolidation of medical activities to ensure high standards of care, or to ensure that high standards of care are available to our wounded soldiers.

It would also renovate existing semi-private bedrooms to create additional single-occupant rooms, which ensure greater privacy, improved infection control, and space for families to room in.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Thank you very much, Mr. HUNTER, for yielding.

Mr. Chairman, one of the provisions that is contained in this en bloc amendment is a provision that will help provide a higher level of security for our military personnel in the continental United States. As most of you probably read in the newspaper, a terrorist cell was apprehended in Cherry Hill, New Jersey, a short time ago.

They had been planning a small arms attack on soldiers, Reservists, actually, who were preparing to be deployed to Iraq and Afghanistan at Fort Dix.

One of the elements of this planning involved a pizza delivery man. The pizza delivery man would access the base to deliver pizza to soldiers in the

evening who had completed their day's training.

As the apprehension was made, it was disclosed that this individual had actually entered onto the base, memorized the roads and the buildings on the base, and had actually drawn a map to provide to the other members of the cell who would take part in the attack.

This provision that's in this en bloc amendment would provide some extra tools for base commanders to be sure that people who enter onto Federal installations would have a background check done through the FBI, as well as through the Department of Homeland Security where immigration records are kept.

I want to thank Mr. ANDREWS for his high level of cooperation on this, and also to express my thanks to the chairman for agreeing to make this provision part of this en bloc amendment.

I understand there are some questions about it. Mr. ANDREWS and I, I won't speak for him, as we work through this, between now and the time we get a conference report, there may be some changes that are necessary. The last thing we want to do is to unduly restrict civilian activities, legitimate civilian activities on and around military bases.

So I look forward to working with the chairman, the ranking member and Mr. ANDREWS and others who may be interested to make sure that we do not do something that is harmful to morale or stymies activities on or around military bases.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member.

Mr. Chairman, the purpose of the amendment that we have is plain and simple. It's to protect the privacy of America's fallen heroes and their families.

Along with my colleague and friend from Oklahoma, Congressman BOREN, I introduced this measure at the request of mothers of Marine Private David Burridge and Army Corporal Joseph Thibodeaux, both of Lafayette, Louisiana, who lost their lives in Iraq in September of 2004. While still recovering from the shock and the loss of their children, these mothers were appalled to discover the names of their sons had been printed on the back of T-shirts and sold for profit.

This amendment before us today requires that our military men and women, or their surviving relatives, be the sole decisionmaker in consenting to use their name or image for commercial purposes. While there is no way to ever express in words the significance of their sacrifice, we have a duty to honor and protect their memories and, most importantly, their rights.

No one can dispute that Americans, and particularly Members of this body, have fundamental differences over the war in Iraq. All Americans certainly have a right to express these views in public, but Americans, and particularly our fallen heroes and their families, also have a right to protect their names and images from commercial exploitation. This amendment accomplishes just that.

I want to thank Chairman SKELTON, our Ranking Member HUNTER, as well as the Rules Committee for allowing this amendment to come to the floor.

I urge our colleagues to support this nonpartisan legislation.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to a member of the Armed Services Committee, my friend from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. SKELTON. I also want to thank our colleague from Louisiana (Mr. BOUSTANY) and our ranking member, Mr. DUNCAN HUNTER.

Mr. Chairman, this amendment prohibits the commercial use of our troops' names and images without permission.

The need for this protection was first brought to my attention by Judy Vincent, a constituent who lost her son, Marine Corporal Scott Vincent, to a suicide bomber in Fallujah in April of 2004. Since that time, Judy has found Internet vendors using the name and likeness of her son and other fallen soldiers on their merchandise.

Bills were signed into law in Oklahoma and Louisiana last year to address this abuse, but Judy's story made it clear that there were hundreds, perhaps thousands of American families out there facing the same problem, and only a Federal law will offer the protection that they deserve.

This amendment isn't about financial restitution, stifling debate on the war, even putting people in prison. It's about respecting the privacy of our soldiers and their families. I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague and friend, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, ongoing military engagements and extended deployments impact not only our troops, but also the families of our brave men and women in uniform. Military families are struggling to balance everything from their financial obligations to child care responsibilities.

I offer this amendment to address this and provide military families with some relief. This amendment allows the immediate family of military personnel to use Family Medical Leave Act time for issues directly arising from deployment and extended deployments.

The wife of a recently deployed military servicemember could use the Family Medical Leave Act to arrange for child care. The husband of a servicemember could use the Family Medical Leave Act to attend predeployment briefings and family support sessions.

The parents of a deployed servicemember could take Family Medical Leave Act time to see their raised child off or welcome them back home.

This amendment does not expand eligibility to employees not already covered by the Family Medical Leave Act.

I urge my colleagues to support this amendment.

Mr. HUNTER. Mr. Chairman, how much time do we have on this?

The Acting CHAIRMAN. The gentleman from California has 5 remaining minutes, and the gentleman from Missouri has 6½ minutes remaining.

Mr. HUNTER. Thank you. I just wanted to say that we strongly support this amendment on this side. We think it's an excellent amendment. We thank both of the authors, the gentleman from Louisiana and the gentleman from Oklahoma, for bringing this amendment to us. We support it very strongly.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. LIPINSKI).

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Mr. LIPINSKI. Mr. Chairman, I would like to thank Chairman SKELTON and Ranking Member HUNTER for placing this amendment en bloc. It is a bipartisan amendment that I offered along with Mr. INGLIS, Mr. MARKEY, and Mr. KIRK.

This amendment simply requires the Department of Defense, where feasible, to begin using high-efficiency light bulbs whenever a light bulb is installed. Currently, compact fluorescent light bulbs, known as CFLs, are the most energy efficient. CFLs use about 75 percent less energy than standard bulbs, last 8 to 10 times longer and can save over $74 over the lifetime of a single bulb.

When you consider that the DOD has over 240,000 buildings in the U.S. alone, it is clear that this requirement is a practical way to make significant progress in lowering energy consumption, reducing greenhouse gas emissions, and promoting energy independence while at the same time saving millions of taxpayer dollars.

At a time when we struggle with a new energy plan, this is a rare win-win-win opportunity, and I ask for your support.

Mr. HUNTER. Mr. Chairman, I rise to claim the time in opposition to this, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California reclaims the time that he yielded back.

There was no objection.

Mr. HUNTER. Thank you, Mr. Chairman. That's exactly what I wanted to do.

I just wanted to get on the record that I support this amendment very strongly, the idea of saving energy. I would hope that the gentleman would agree that, wherever possible, the energy-saving devices, these light bulbs, should be made in the United States.

They are paid for with Department of Defense funds. The average American worker spends over $1,000 a year out of his or her paycheck to support the defense function of government, and it is appropriate that American workers be allowed to make the new, innovative, energy-saving devices that we are using at bases throughout the country.

I yield to the gentleman to ask him if he wouldn't agree with me that, wherever it is practical, that American-made bulbs should be used in this replacement program.

I yield to the gentleman.

Mr. LIPINSKI. I certainly agree with the gentleman, and I think we need to do more to make sure we are enforcing our Buy America provisions that we currently have in law, and certainly we need to do it here.

Mr. HUNTER. I thank the gentleman.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished speaker, chairman, and gentlelady from California.

I rise to offer and to support the en bloc amendments, and to speak particularly to amendment No. 23 which regards the emotional and financial impact of multiple deployments.

This amendment is simple. It requires the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours. We all are concerned about our soldiers and, likewise, their families.

In a report by Dr. Hoge, a study indicated that 94 percent of soldiers in Iraq reported receiving small arms fire, 86 percent of soldiers in Iraq reported knowing someone who has been seriously injured or killed, and 68 percent reported seeing dead or seriously injured Americans; 51 percent reported handling or uncovering human remains; and the majority, 77 percent of soldiers deployed to Iraq, reported shooting or directing fire at the enemy. All of this impacts their families, and we found anxiety, fatigue, stress, and other aspects that impact the wives and children as well.

The National Military Families have indicated a series of recommendations for the Department of Defense. I believe this study will help the entire entity of the military make us stronger and certainly respond to the needs of our military and their families.

My amendment No. 24 recognizes that in 1948 the military was desegregated; integration had increased the percentage of African Americans in the enlisted ranks. We see high numbers of Hispanics and Asians and others. This amendment simply acknowledges the existence of the ROTC scholarship and asks that there be an outreach to ensure that this information be given to Hispanic-serving institutions and African American-serving institutions, historically black colleges.

The importance of this amendment is to ensure the outreach and the opportunities for our young people who are placed around the Nation. Patriotism is certainly not guided by region or colleges to which you go. I ask my colleagues to support these amendments, one to take a holistic view of the redeployment and the impact on our families, and, two, to outreach to our young people no matter where they attend college and where they live for the established ROTC and other military scholarships.

I thank the chairman and ranking member for allowing me to explain my amendments to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008. There is no greater champion of our men and women in uniform than my good friend Mr. SKELTON, the gentleman from Missouri, and distinguished chair of the Armed Services Committee. That is why I appreciate the chairman's support for my amendments.

Mr. Chairman, in light of the fact that our Nation is in the midst of an ugly war, and in the context of the ongoing fight against terrorism, this piece of legislation is probably the most important piece of legislation that the 110th Congress will pass. It is in that spirit that I offer my amendments today. Each of my amendments plays a vital role in ensuring that our courageous troops maintain their status as the best in the world. Accordingly my amendments also reinforce the message to our troops that they are our most precious resource, and we do not take their efforts for granted.

AMENDMENT NO. 24—SCHOLARSHIPS FOR HBCU STUDENTS

This amendment requires the Secretary of Defense to take the necessary steps to ensure that Army National Guard and Reserve ROTC scholarships are available to students attending historically black colleges and universities, and Hispanic serving institutions.

The military is the American institution that has done more than any other to recognize that it does not have a person to waste. It is therefore no surprise that the Armed Forces of the United States, which were completely segregated 60 years ago and riven by racial strife 30 years ago during the Vietnam war, is today the finest fighting force in the history of the world and enjoys more racial peace, harmony, and integration than any other major institution, including higher education and organized religion.

After being desegregated in 1948, by the 1970s, integration had increased the percentage of African-Americans in the enlisted ranks, but the percentage of minorities comprised less than 3 percent of the officer corps and perceptions of discrimination were pervasive. The deficiency in the officer corps and the discrimination perceived to be its cause led to low morale and heightened racial tension. The danger this created was not theoretical. As the Vietnam war continued, the Armed Forces suffered racial polarization, severe disciplinary problems, and racially motivated incidents in Vietnam and on posts around the world. In Vietnam, racial tensions reached a point where there was an inability to fight and the lack of minority officers substantially exacerbated the problem.

The absence of minority officers seriously threatened the military's ability to function effectively and fulfill its mission to defend the Nation. To eliminate that threat, the armed services moved aggressively to increase the number of minority officers and to train officers in diverse educational environments. The Pentagon set recruitment goals for the service academies and the ROTC programs and worked hard to expand the pool of highly qualified minority candidates in a variety of explicitly race-conscious ways. They also employ race as a factor in recruiting and admissions policies and decisions.

These efforts have substantially increased the percentage of minority officers. Today, among active duty officers, 81 percent are white, and the remaining 19 percent are minority, including 8.8 percent African-American, 4 percent Hispanic, 3.2 percent Asian-American, and .6 percent Native American. The military recognizes that its officer corps must continue to be diverse or the cohesiveness essential to the military mission will be critically undermined. After all, for people who fight wars to preserve the peace, it can be a matter of life and death.

Presently the military, unlike any other industry including corporate America and the entertainment industry, offers a realistic opportunity for young people of color and women to make career advancements. In an industry that truly judges you on merit and not the color of your skin, the military is a leader in the practice of diversity.

This amendment ensures that people of color and women continue their great legacy in the greatest military in the world.

AMENDMENT NO. 23—EMOTIONAL AND FINANCIAL IMPACT OF MULTIPLE DEPLOYMENTS

This amendment requires the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours overseas.

Words cannot explain the pain and the sense of pride that some families feel when they say good-bye to a loved one. Behind those brave smiles, hugs, and kisses is an undying and unnerving uncertainty about what can happen to a spouse, child, father, or mother. Depending on the extent of that soldier's injury, a family can suffer serious economic consequences as a result, not to mention the emotional impact of seeing a loved one in that state. Even under the best of circumstances, where a soldier serves multiple terms and returns with no major injuries, valuable time is lost between a parent and child and between spouses that can never be returned.

The mental health of our soldiers will have a lasting effect on not only these soldiers but their families as well. The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Only one comprehensive study has examined the mental health impact of the wars in Afghanistan and Iraq, and that was performed by Charles W. Hoge, MD. This study looked at the experience of soldiers in the war zone and symptoms of psychological distress. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in

killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. Dr. Hoge's study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent, of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant. Despite the extensive training and resilience that our soldiers are known for they are still human, and these traumatic events will have an impact on their lives.

As my colleague from Arizona, GABRIELLE GIFFORDS, mentioned this morning, one in five soldiers is suffering from depression, anxiety or stress. Likewise 20 percent face marital problems including divorce or legal separation from their spouse.

Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association, NMFA.

The study, ''Cycles of Deployment Report,'' which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for meeting these challenges amid multiple and extended deployments, increased rates at which service members are called upon for service, and the heavy reliance on National Guard and Reserve forces.

This report clearly shows the range of support programs for families has expanded since the start of the war on terror. However, multiple deployments and a high operations tempo mean different types of support are needed for families' continued success before, during, and after deployment. The survey results provide the Department of Defense a detailed roadmap for making sure families are taken care of during this important time.

Let me share with you some of the key findings from this study about the impact of deployment includes.

Almost half of respondents reported they have used or would use counseling services such as anger management classes and family counseling. Three quarters of those who stated they were better able to deal with subsequent deployments found counseling services to be helpful.

Two-thirds of military families surveyed did not have contact with their unit or unit network volunteer during the critical pre-deployment stage.

Less than one-half reported a consistent level of family support through the pre-deployment, deployment, and post-deployment phases. Seventeen percent reported no support was available.

Many respondents are concerned that volunteers who help families adjust to life during deployment and what to expect after the reunion are becoming fatigued and subject to ''burn-out.'' They stated that the leaders of unit family groups should be paid or have paid professional support personnel assigned.

Military family members with civilian jobs face pressure to avoid taking time off before, during, or after deployment. Sixty percent of military spouses are employed outside the home and many have either quit their jobs or are considering it.

Military families are worried about how the reunion will go with their deployed family member even as they are worrying about their service member's safety in the field. Unfortunately, many families are not taking advantage of specific return and reunion briefings and activities.

Many respondents expressed that when entering a second or third deployment, they carry unresolved anxieties and expectations from the last deployments. While they may have gained knowledge of resources available to them, respondents whose service member deployed multiple times reported being more fatigued and increasingly concerned about their family relationships.

Although challenged by the demands of deployment, families noted they are proud of their service member and their service to our country. They understand that family support is primarily their personal responsibility, but they expect ''The Military'' to provide support as well.

RECOMMENDATIONS TO DEAL WITH STRESS OF MULTIPLE DEPLOYMENTS

The National Military Families Association has developed a series of recommendations for how the Department of Defense, DOD, can better train and support military staff and civilian volunteers to assist military families. Let me discuss some of them.

Expand program and information outreach. Create formats for families to access support services and maintain touch with their commands and unit family group that live too far from either the unit or from other military families.

Assist families in developing realistic expectations, and then meet them. Educate military families about what to expect before, during, and after deployments.

Direct more resources to support family volunteers. Increase the level of resources and paid professionals, both counselors and administrative, to support the logistics of family support and conducting family readiness activities.

Address return and reunion challenges throughout the deployment cycle. Help with the reintegration of a service member with the family after deployment.

Recognize that family time is important. Encourage service leaders to give family time a higher priority when planning operational activities, especially for service members who have only been back from deployment for a few months.

Continue deployment briefings throughout the year. Never assume families have all the information they need. Ongoing deployment briefings can especially help new spouses or the parents of new recruits. Experienced family members also may find new challenges during a subsequent deployment or find the accumulated stress from multiple deployments creates the need for re-engagement with the family readiness/support group or for accessing different support personnel.

By requiring the Secretary of Defense to conduct this study we are taking a crucial step in ensuring that future troops are adequately taken care of physically, mentally, and emotionally.

Allow me to conclude by stating that I rise in strong support of the underlying legislation H.R. 1585. This legislation addresses several critical issues such as troop readiness, troop safety, troop family needs, and a comprehensive internal review of the Department of Defense.

With regards to troop readiness this bill authorizes $1 billion for the Strategic Readiness Fund to fix equipment shortfalls, $1 billion to provide the National Guard and Reserves equipment from their unfunded requirements list, $250 million to improve training, and the establishment of a Defense Readiness Production Board to mobilize the defense industrial base to speed up the production of military equipment.

With regards to troop safety this bill provides $1.2 billion for body armor, $2.5 billion for up-armored humvees, $1.2 billion for vehicle add-on armor, $509.7 million for the Armored Security Vehicle, ASV, and requires comprehensive testing of all helmet pad systems.

With regards to meeting the needs of the families of our troops this bill authorizes a 3.5 percent across-the-board pay raise for all service members. This bill restores approximately 490 medical personnel positions and recommends the establishment of a Military Mental Health Initiative that would coordinate all mental health research and development for the Department. Also this bill directs the establishment of a Traumatic Brain Injury Initiative to provide the opportunity for emerging technologies and treatments to compete for funding.

Finally this bill requires a much needed internal review of the Department of Defense. This bill requires a review of the roles and missions of the Department of Defense every 4 years; identifies the core competencies of the military departments, the Office of the Secretary of Defense, each defense agency, and each defense field activity; directs a review of the capabilities that each of the military departments, the Office of the Secretary of Defense, each defense agency, and each defense field activity is maintaining or developing; and requires the Joint Requirements Oversight Council, JROC, to organize its review of requirements according to the core mission areas, provide the military services with clear guidance on the priority assigned to each requirement, and make clear the expected resources allocated to fulfill each requirement.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 3 and 4 of House Resolution 403, and as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole, and following consideration of amendment 49, the following amendments be considered in the following order: amendment No. 30; amendment No. 11; amendment No. 31; amendment No. 41; amendment No. 15; amendment No. 42; amendment No. 43; en bloc No. 3.

Mr. Chairman, it is my pleasure to yield 3 minutes to my friend and colleague, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding, and I rise in strong support of the amendment offered by my friend and neighbor from New Jersey (Mr. SAXTON), and I thank him for his decisive and quick action in dealing with the problem of protecting our servicemembers and employees and visitors to our military bases. I am proud to join with him in this amendment.

At this time, I yield to the gentlewoman from Arizona for the purpose of a colloquy.

Ms. GIFFORDS. I thank the gentleman.

I rise today to raise serious concerns about the amendment to H.R. 1585 that would require background checks for all civilians entering military installations.

I certainly appreciate the need to secure our installations, especially considering the recent events in your home State of New Jersey. But I would like to bring a unique situation to your attention.

My southern Arizona district is home to Fort Huachuca, a critical national asset that is home to Army Intelligence and Electronic Testing and was recently designated the Joint Center of Excellence for Human Intelligence Training.

Fort Huachuca occupies over 73,000 acres of rugged desert terrain. The geography of the area forces the citizens of Elgin and Canelo, along with the surrounding communities, to rely on access through the fort to get to their ranches and homes. This amendment would cause significant hardship to the surrounding community that has had access to the installation for decades. I believe that this is not a unique situation, and there may be other circumstances where the restrictions placed on military installations could be onerous.

Mr. ANDREWS. I thank the gentlewoman for raising this important issue. I assure the gentlelady that I recognize her concerns about the specific military installation in her district and do not want this legislation to cause hardship on its surrounding communities.

Ms. GIFFORDS. I would like to ask that the gentleman work with me to address the unique circumstances of the Army installations in southern Arizona.

Mr. ANDREWS. I am aware of the extraordinary burden that this requirement could impose on residents of rural and remote areas of southern Arizona. I look forward to working with the gentlelady to find an appropriate accommodation.

Ms. GIFFORDS. I thank the gentleman for his support.

Mr. ANDREWS. Reclaiming my time, I again thank Mr. SKELTON, Mr. HUNTER, and Mr. SAXTON for this, I think, excellent effort to improve upon a very real problem that we saw in acute relief last week in New Jersey. I would urge adoption of the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, my amendment to extend for three years the Information Technology Exchange Program—also known as the Digital Tech Corps—has been included in this en bloc amendment, and I thank the Chairman and Ranking Member for accepting this amendment.

In 2002, I included language in the Electronic Government Act of 2002 creating the Digital Tech Corps program.

The program gives mid-level federal IT managers the opportunity for intensive, on-the-job training in how the private sector manages complex IT projects. Too many complex federal IT procurements fail because of improper management. The Tech Corps gives employees insight and experience in how the best companies in the world are successfully managing IT so they can bring this knowledge back to government.

The Tech Corps works in reverse as well, giving private sector IT employees the opportunity to volunteer for rewarding public service. In tackling some of the world's toughest IT problems, they can return to their companies understanding the challenges facing the world's largest employer.

The Tech Corps program is a relatively new vision for public service in this century, enabling broader public-private sector exchanges of talented IT professionals. It builds on the successes of other successful personnel exchanges, such as the 1970 Intergovernmental Personnel Act (IPA).

All Tech Corps participants must adhere to strict federal employee ethics rules, and they must abide by the laws and rules of the agency and Federal Government. Participants do not receive any special privileges, pay, or incentives—all participants retain pay and benefits from their respective employers while participating in the program.

The Electronic Government Act of 2002 required the Office of Personnel Management to issue guidance for agencies engaging in the Tech Corps program. Agencies had 5 years from the date of enactment in December 2002 to implement the program. OPM issued its guidance in 2005, making it difficult for agencies to receive the full benefits of implementing the program.

Since the issuance of OPM's guidelines in 2005 and the approval of DOD's Tech Corps policy in 2006, the agency has worked aggressively to get its Tech Corps program off the ground. Nearly a dozen DOD components have expressed interest in participating in the program.

My amendment would extend the authorization period of the Information Technology Exchange Program (ITEP) by 3 years for the Department of Defense (DOD) so it can achieve the intended benefits of the program.

In particular, the benefits of the Tech Corps program include: (1) participants learn new job skills; (2) the private sector employees can learn about government procedures and processes; (3) the public and private sectors can share best practices; (4) participating organizations are infused with new ideas; and (5) participants gain perspective from others, improve personal competencies and skills, and close skill gaps within the government organizations.

I urge my colleagues to support this amendment.

I also express my support for language included in this en bloc amendment offered by my colleague, Mr. MORAN, which would require that the transportation infrastructure necessary to accommodate the large influx of military personnel and civilian employees to be assigned to Fort Belvoir, VA, as part of the BRAC realignment of the installation, be substantially completed before the relocation of these employees.

The 2005 BRAC Commission recommended relocating 22,000 Department of Defense personnel to Fort Belvoir by 2011. That is a workforce equal to that of the Pentagon. Due to the magnitude of the BRAC realignment, the existing congestion in the Springfield area, and the potential impact on the surrounding community—and indeed all of Northern Virginia—BRAC implementation has to be done right.

I voted against the BRAC recommendations for several reasons, including my belief DoD had not adequately considered the ramifications of transferring 22,000 new personnel to Fort Belvoir within a 6-year timeframe.

Since the recommendations were approved, I have worked diligently with my colleagues to ensure the Army is sensitive to the concerns of my constituents and devotes adequate time and resources to mitigate the impact of BRAC to the extent possible.

I would like to commend my colleague for this amendment, because it gets to the heart of the matter: it ensures the necessary transportation infrastructure will be in place before personnel begin to relocate to Fort Belvoir. This only makes sense.

Without sufficient infrastructure, daily commutes could last for hours. In fact, it might simply be impossible for DoD personnel to even get to and from work, thereby preventing agencies from being able to accomplish their missions. It surely would mark a drastic reduction in quality of life for those employees stuck in what could be a traffic nightmare, and I would submit could easily lead to significant turnover.

I would also like to take this opportunity to thank Chairman SKELTON and Ranking Member HUNTER for including language in the bill to require the Army and GSA to work out an agreement to allow the Army to use the GSA warehouse property in Springfield. This facility is located adjacent to an existing Metro and Virginia Railway Express station, yet it currently is used for warehouse space. I have long thought this federal property could be put to much better use than warehouses. With this language, we will put this property to much better use, promote transit options, and take cars off the road. Again, I am most grateful this provision has been included.

In closing, I would like to thank Mr. MORAN for this amendment and for his continued hard work on behalf of Northern Virginians. I urge my colleagues to support this language and the en bloc amendment.

Mr. SMITH of New Jersey. Mr. Chairman, after scouting possible targets in New Jersey and Pennsylvania, the six members of a terrorist cell arrested in New Jersey last week chose to attack Fort Dix due to the access one member had to that installation. As a pizza delivery man, he was able to get on the base, survey the infrastructure and personnel, draw maps, and determine the best locations for the highest kill rate.

If not for a citizen's tip and a thorough and aggressive law enforcement team led by U.S. Attorney Chris Christie, who through a 16-month surveillance effort dotted every "i" and crossed every "t," terrorists could have infiltrated the base with the sole intent of killing as many people as possible.

Mr. Chairman, my South Jersey colleagues and I have been arguing for years that easy civilian access to our military bases—across the Nation—could leave them vulnerable to those wishing to do us harm.

In 2004, we passed a modified version of my bill, the Military Bases Security Act, H.R. 3695, and mandated a pilot program in which the Department of Defense could test and increase the vetting of civilians who worked on our bases as employees of private contractors. Because the greatest vulnerability exists when contractors are brought in to complete major construction and facility maintenance jobs, my bill also instructed DOD to use the pilot program to test and implement the best value contracting process instead of the lowest bidder process.

In the best value process, contractors are given points for their staffing plans and employee training programs—two effective means for vetting and eliminating unqualified and even undocumented workers from construction jobs. The thought is that by rewarding contractors who vet, train, and hire experienced workers, another layer of protection would be put in place as we attempt to secure our bases.

Regrettably, DOD has yet to issue its final analysis on the pilot program and an interim report indicates that their implementation of the program has been feckless at best. And despite the insistence by the Department of Defense that they are doing everything possible to ensure our bases are employing qualified and legal workers, we consistently learn of Immigration and Customs Enforcement personnel arresting dozens of illegal aliens "working" on military bases around the country. In January of this year, the International Herald Tribune ran a story that stated nearly 40 illegal aliens were arrested on military installations in Georgia, Virginia and Nevada. And one arrested in Nevada was a member of MS–13, one of the most dangerous gangs in the U.S.

I remain convinced that through best value contracting we can and will do a better job of ensuring that those who obtain contracts on our bases are employing legal and qualified workers. And I am committed to ensuring that DOD gives more than lip service to the pilot program and its provisions to vet unqualified workers and attain the best workmanship and better security at our bases.

The amendment offered today by my colleague JIM SAXTON also seeks to vet civilians who enter or conduct business on our bases. Specifically, the Saxton amendment, which is part of an en bloc amendment, requires FBI criminal background checks and clearance from the Department of Homeland Security for any "unescorted civilian seeking access to a military installation or facility or any civilian who is an employee of a contractor or vendor of a military installation." Without the background check, these civilians will be blocked from entering a base.

Mr. Chairman, we cannot hermetically seal our military bases—many of which have great activities for the general public—but we can and must make every effort to provide greater protection. The Saxton amendment is another positive step in this direction and I urge my colleagues to support it.

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

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 20 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. STUPAK:

At the end of title XIV, add the following new section:

SEC. 1454. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

(a) SHORT TITLE.—This section may be cited as the "Sergeant First Class James Priestap and Private First Class Alan Blohm Fallen Servicemember Respectful Return Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Members of the Armed Forces who die under the circumstances described in section 1481 of title 10, United States Code, have made the ultimate sacrifice for the United States, and their remains should be treated with the utmost reverence and respect.

(2) The family and friends of a deceased member of the Armed Forces should be able to greet the remains of their loved one at an airport near the place designated for the disposition of the remains and provide for the burial of their loved one with proper honors and without undue delay or complication.

(3) Rural areas are frequently served by smaller regional airports and are often a significant distance from a major airport, and the practice of the Department of Defense to finish the aircraft portion of the transportation of the remains of a deceased member of the Armed Forces at a major airport imposes undue burdens on the family and friends of the deceased member.

(c) TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.—Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.".

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, first I ask unanimous consent to modify my amendment by striking the sections entitled "short title" and "findings."

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Acting CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, is as follows:

At the end of title XIV, add the following new section:

SEC. 1454. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

(c) TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.—Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.".

Mr. STUPAK. Mr. Chairman, communities across our Nation have felt the effects of the ongoing wars in Iraq and Afghanistan, but rural communities have been hit especially hard. A recent Associated Press story reported that nearly half the casualties in Iraq have come from towns of fewer than 25,000 people, and one in five come from towns of 5,000 or less. Rural States have had some of the highest per capita loss rates.

I have certainly seen this in my own district. Each loss from a small town affects not only the family but the entire community. In light of these facts, we need to make sure that we are taking care of all the families who have lost loved ones in military service, whether those families live in cities or in small rural communities.

In the past year, I have encountered several disturbing cases in my own district in which families had to fight to have the remains of their loved one flown to an airport near the intended place of burial. The military advised the families that the bodies of their loved one would be flown to the nearest major urban airport, which in some cases, as in my district, are hundreds of miles away.

In order to meet the remains at the airport, one of the families would have been required to drive over 4 hours each way through a snowstorm. There is no reason to impose these kinds of burdens on a family that has already made the ultimate sacrifice. This kind of treatment is disrespectful and unfair. Families should not have to bargain with the military in order to have the remains of their loved ones flown to a location where they can meet their fallen hero.

In many cases, veterans organizations and other community groups want to show their respect when a fallen soldier arrives at an airport. We

should encourage these demonstrations of respect, instead of discouraging them by forcing community members to drive to urban airports hours away from home.

Last year, as part of the fiscal year 2007 Defense authorization, the House passed a similar provision that would have required the military to fly the remains of a fallen soldier to the military airfield nearest the place of burial. Unfortunately, this provision was not included in the final conference version of the bill; however, I think it was a good provision, and Members of the House were right to support it.

My amendment would provide greater flexibility. It would require that, whenever possible, the Department of Defense fly the remains to the nearest military or civilian airport. The amendment would allow the military to use any of the numerous small airports that exist in rural districts, so long as the remains are delivered to a place that is acceptable to the family of the fallen soldier.

Mr. Chairman, the problems I speak of are not only in my district, but we have seen reports from New York to California where this has occurred in the smaller rural districts.

As Americans, we owe a tremendous debt to those families who have given up a loved one in war to protect our freedom. This amendment will eliminate an unfair situation that those families have faced and will help to show our respect and gratitude for the sacrifice they have made.

I ask Members to support my amendment.

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

Mr. HUNTER. Mr. Chairman, although I don't oppose the amendment, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Thank you, Mr. Chairman.

I want to thank the gentleman for his amendment. I think it is absolutely appropriate. We support it.

Mr. Chairman, this is the provision that we put into the law last year when we saw that American fallen service personnel were being transported in what we thought was a less than dignified manner and escorted in a less than dignified manner to their final resting places.

Of course, I went to the Department of Defense initially and had them involved in discussions with the committee with respect to effecting informally a policy that would have dedicated aircraft and would have a dedicated honor guard and military escort that would complete the transport of fallen American service personnel from Dover to their final resting places. We couldn't work something out, so we ended up putting that in law, and having the full support of the other body, that, indeed, is the practice.

I have been around the country now to various places where American heroes have come home, and there has been an outpouring of gratitude from a number of communities and families that in fact the system is working well now with dedicated military aircraft, with the appropriate honor guard escorting the fallen American heroes, and the families now feel much better about the process.

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Now, I would hope that, in practice, the U.S. military is not, as a rule, taking people to a home of record when in fact their final resting place may be hundreds of miles away, but I understand that the gentleman has two cases where that, in fact, would have taken place if they hadn't made contact with the DOD and the DOD hadn't sorted that out.

And so I think this is absolutely appropriate to put into statute what, essentially, they've been doing, as I understand, as a matter of practice in carrying out the mandate that we gave them last year with the new law that came from this committee.

So I support the gentleman. I thank him for offering this amendment, and we certainly support it on this side.

Mr. Chairman, I yield back.

Mr. STUPAK. Mr. Chairman, I appreciate the words of the ranking member, Mr. HUNTER. The difference between what I'm doing here tonight and an amendment we did last year, last year was the closest military airfield. There are no military airfields in my district. My district is 600 miles from one end to the other, and when they want to bring the remains of our soldiers to Detroit or Milwaukee, it is 4, 5, 6 hours for people, for my constituents to go to greet this fallen hero back on U.S. soil. And you have your local groups, your American Legions, your veterans who'd like to welcome that fallen soldier back home, but to drive 4, 5, 6 hours, and one we had last winter was through a terrible snowstorm.

We have had to intervene. We have worked with DOD and others, and they've been pretty good about trying to accommodate everyone. We realize it's hard and it's difficult.

So the only difference is this amendment goes a little farther, not just military airfield but civilian airfields. We have plenty of civilian airfields throughout my district and rural America that can accommodate the planes necessary to bring home our fallen soldiers.

So I would like to thank Mr. SKELTON, Mrs. TAUSCHER, Mr. HUNTER and Mr. SAXTON for their help and support. This is an amendment that we're glad we can do to honor those service men and women and also their families and the local communities when they've fallen in service in honor to their country.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 49 OFFERED BY MR. CARNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 49 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. CARNEY:

At the end of subtitle C of title V, add the following new section:

SEC. 528. SENSE OF CONGRESS WITH RESPECT TO EXTENSION OF TIME LIMITATION FOR USE OF ENTITLEMENT TO EDUCATION BENEFITS BY MEMBERS OF SELECTED RESERVE AND MEMBERS OF RESERVE COMPONENT SUPPORTING CONTINGENCY OPERATIONS.

It is the sense of Congress that the time limitation for the use of entitlement to educational assistance under each of subchapters I and II of chapter 33 of title 38, United States Code, should be extended to allow an individual entitled to such assistance to use that individual's entitlement during the ten-year period beginning on the date on which the individual is separated from the Ready Reserve or the Selected Reserve of the Ready Reserve, as the case may be.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Pennsylvania (Mr. CARNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARNEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am here today in support of our Nation's veterans. As a lieutenant commander in the Navy Reserve, I know how important our veterans are. I know how critical our National Guard and Reserve are to the Nation's security.

The Montgomery GI bill has provided education to many of our Nation's fine and honorable men and women. After World War II, the GI bill was signed into law and paved the way for many returning soldiers to attain their degrees. In fact, my father earned both his bachelor's and his master's degrees using the GI bill.

However, for our National Guard and Reserve, this is not the case. There's a provision which excludes our National Guard and Reserve from receiving their GI bill after they have left the military.

This amendment, which I am proud to introduce, will express the sense of Congress that we need to lengthen the period of time that Guard and Reserve members have to take advantage of the GI bill. Once they return home they would have up to 10 years to complete their education.

We owe it to our National Guard and Reserve members to have this time. They are very busy in war right now, and they are having a difficult time

completing their degrees. How can we expect them to fight the battles and simultaneously pursue a degree?

Many of us know someone who's in the National Guard or Reserve and they're playing an ever increasing role in combat operations. We salute their service, and offering them the additional time to obtain their educational goals is a benefit that we should show them that we do appreciate all their efforts.

Now, we must think of the future of our Armed Forces. It really has saddened me to learn that the National Guard and Reserves has missed the recruitment goals for both 2005 and 2006. We know that the military does provide immense benefits to those that sign up, but it cuts off the Guard and Reserve when it comes to educational benefits. What better way to ensure our military remains an all volunteer force by encouraging more people to join?

Taking care of our troops and making education affordable are two of my top priorities in Congress. As a former professor at Penn State, I understand the value of an education, and believe that an educated work force is a better work force for all America. Extending the education benefit to our National Guard and Reserves will do just that.

Our troops are serving their country honorably, and the Guard and Reserve should have access to the higher education when they are finished. We owe it to our troops and to our families back home.

I urge all Members of Congress who care about our troops and the military families to vote in favor of this amendment.

I'd like to thank Chairman SKELTON for his work on this issue. He is truly a champion for our veterans and our military families.

Mr. Chairman, I yield back.

Mr. HUNTER. Mr. Chairman, we support this amendment and think it will be very useful, and thank the gentleman for offering such an outstanding amendment, and we support it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARNEY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 8 by Mr. ANDREWS of New Jersey

Amendment No. 14 by Mr. DEFAZIO of Oregon

Amendment No. 21 by Ms. WOOLSEY of California

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR ANDREWS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 19, as follows:

[Roll No. 364]

AYES—202

Abercrombie
Allen
Andrews
Arcuri
Baca
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—216

Ackerman
Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
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
Rothman
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Bishop (UT)
Christensen
Cubin
Culberson
Davis, Jo Ann
Engel
Faleomavaega
Hinojosa
Israel
Jones (OH)
McCaul (TX)
McMorris Rodgers
Miller (FL)
Nadler
Pickering
Shays
Solis
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there are 2 minutes remaining on this vote.

□ 2020

Mr. ROTHMAN and Mr. BISHOP of Georgia changed their vote from ''aye'' to ''no.''

Messrs. MOLLOHAN, RUSH and BARTLETT of Maryland changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. DEFAZIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 288, not voting 13, as follows:

[Roll No. 365]

AYES—136

Abercrombie
Allen
Arcuri
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Duncan
Ehlers
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garrett (NJ)
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hinchey
Hirono
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Schwartz
Scott (VA)
Serrano
Sires
Slaughter
Solis
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson
Watt
Welch (VT)
Woolsey
Wu
Yarmuth

NOES—288

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Meek (FL)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baird
Bishop (UT)
Cubin
Culberson
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
McMorris Rodgers
Miller (FL)
Nadler
Shays
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there are 2 minutes remaining on this vote.

□ 2029

Mr. HINOJOSA and Mr. COHEN changed their vote from ''aye'' to ''no.''

Mr. CUMMINGS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HOYER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. PASTOR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, had come to no resolution thereon.

□ 2030

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HOYER. Mr. Speaker, after consultation with the minority leadership, I ask unanimous consent that during further consideration of H.R. 1585, pursuant to House Resolution 403, and after the next vote, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, what we have done, in conjunction with discussions with Mr. BLUNT, is, we expect no further votes after this vote. We will consider the balance of the bill tonight, and tomorrow we expect six votes. The first one will be a 15-minute vote and the balance will be 2-minute votes.

We wanted to announce that so Members can be prepared for that tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue in the Committee of the Whole.

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–156) on the resolution (H. Res. 409) waiving points of order

against the conference report to accompany the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1585.

□ 2033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 14 printed in House Report 110–151 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

AMENDMENT NO. 21 OFFERED BY MS. WOOLSEY.

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 303, not voting 15, as follows:

[Roll No. 366]

AYES—119

Ackerman
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Braley (IA)
Capps
Capuano
Carson
Castle
Chandler
Christensen
Clarke
Clay
Clyburn
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Ellison
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Kaptur
Kind
Kucinich
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Peterson (MN)
Petri
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Serrano
Shea-Porter
Slaughter
Solis
Stark
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Yarmuth

NOES—303

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castor
Chabot
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pascrell
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Bishop (UT)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
Kilpatrick
McMorris Rodgers
Meek (FL)
Miller (FL)
Nadler
Shays
Shuster
Wynn

□ 2042

Mr. FARR changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I ask unanimous consent to enter into a colloquy with the gentleman from Texas (Mr. ORTIZ).

The Acting CHAIRMAN (Ms. JACKSON-LEE of Texas). Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Texas (Mr. ORTIZ) for the purpose of a colloquy.

Mr. ORTIZ. Madam Chairman, I thank the gentleman.

Mr. Chairman, I rise today to ask for your help to bring clarity to a disagreement in principle between the Department of Defense and the military depots over the definition of parts supply functions as they pertain to depot-level maintenance.

The 2005 BRAC Commission transferred supply, storage and distribution management functions to the Defense Logistics Agency without fully understanding the critical difference between parts supply from storage and in-process parts supply.

□ 2045

Without this clarification, military depots could lose control of parts movement during hands-on depot maintenance. Depot maintenance of war-related equipment is a critical piece of the services' reset program, and this clarification would ensure reset continues without disruption.

Mr. SKELTON. I thank the gentleman for raising this important issue, and I assure the gentleman from

Texas that I will assist him in achieving clarification of what appears to be an inherent depot maintenance function that affects the Army's and Marine Corps' ongoing equipment reset efforts.

Mr. ORTIZ. I also want to thank the chairman for joining me today in requesting the GAO investigate the impact on military equipment readiness that this ill-advised transfer of supply function could have. We are asking the GAO to look at the distinctions between supply from storage and in-process parts supply, whether the business plan developed by DOD could ensure a timely transferring without depot disruption, the impact on depot hourly rates, and the depots' ability to meet surge requirements if they lose this critical function.

Mr. SKELTON. These are all important questions, and I fully support the gentleman's efforts to review whether it is appropriate to transfer what appears to be an inherent depot function.

Mr. ORTIZ. I thank the gentleman for his support.

AMENDMENT NO. 30 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 110–151.

Mr. TIERNEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TIERNEY:

Title II, subtitle C, add at the end the following:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS AND PROGRAM TERMINATIONS.

The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $1,084,400,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) $298,800,000 from the termination of the Airborne Laser program.

(2) $177,500,000 from the termination of the Kinetic Energy Interceptor (KEI) program.

(3) $229,100,000 from the termination of the Multiple Kill Vehicle (MKV) program.

(4) $170,000,000 from the termination of the Third Interceptor Field at Ft. Greeley, Alaska.

(5) $150,000,000 from the termination of the Third Ground-Based Midcourse Defense site in Europe.

(6) $59,000,000 from the Space Tracking and Surveillance System (STSS) Block 2008 work and ''follow on'' constellation.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Madam Chair, the amendment I and my colleague, RUSH HOLT, are offering this evening is really quite simple. It reduces the $8.1 billion specified by the Missile Defense Agency by approximately $1 billion and takes a modest but necessary step in refocusing on missile defense policy.

I think we should make no mistake about it, we have spent $107 billion since the days of the Reagan administration on missile defense. We have had years of unanticipated cost growth, unacceptable schedule delays, and unaccountable management by the Pentagon.

It is time for a change in that policy. It is time for a change in how we address ballistic missile defense. We have plenty of other priority national security matters and more pressing homeland security needs to address.

How much longer can Congress continue to acquiesce and authorize billions of dollars in funds for this deeply flawed system?

The Pentagon continues to build before testing; it is a recipe for waste. We can tell my colleagues that if the status quo continues, the Congressional Budget Office projects the total cost for missile defense will peak in the year 2016 at about $15 billion per year, excluding cost risk.

If you add in cost risk, the CBO knows that the Pentagon's projected investment needs for missile defense might go to $18 billion. We are going to hear from others here that North Korea, Iran, and China have the potential for proliferation of missile technology, and all of that is not sufficient reason for opposing this amendment. The fact of the matter is that argument would rest on the false assumption that the current system could actually defend this country against those risks. It can't because it doesn't work. It continues to not be able to work because it lacks operational testing that is realistic. That hasn't occurred, and it does not look like it is likely to occur any time soon.

We know and understand the threats confronting this country, and a $1 billion cut in the Missile Defense Agency, the way it is done here, will certainly not compromise our national security. And, in fact, by forcing the Pentagon to test before it builds, it will actually make sure that we don't have false securities.

This Congress should not continue to acquiesce in the authorization on this deeply flawed system. We have to come to terms with certain stubborn realities and have the courage to change course.

We are not alone in thinking this way. There were seven reports issued last year from nonpartisan groups, the Government Accountability Office, the Department of Defense Inspector General, the Congressional Research Service, the Congressional Budget Office, the Pentagon's Director of Operational, Test and Evaluation, all arrived at the same conclusion: ''Change in this program is imperative.''

Our amendment will focus on high-risk, longer-term research programs and target those initiatives that simply do not warrant immediate congressional support. It reflects the views of the conferees to last year's defense authorization bill who wrote that they ''believe that the emphasis of our missile defense efforts should be on the current generation of missile defense capabilities.''

I would now like yield to my colleague, Mr. HOLT.

Mr. HOLT. Madam Chair, I thank my friend, Mr. TIERNEY, for his leadership on this issue. I have worked on nuclear proliferation and weapon defense issues for decades. I can assure my colleagues in this House that with our present or even projected technologies, the administration's ''neo-Star Wars'' proposal has poor odds of defeating a ballistic missile strike on the United States. Our missile defense system does not work and wishing will not overcome physics. It can be confused by decoys, it faces numerous testing problems. To put it bluntly, it is a faith-based military program, not one grounded in science.

Furthermore, it is destabilizing and it is a wasteful program that robs us of funds that we need for truly important real-world crises facing our communities and our Nation and our national security.

Mr. TIERNEY. Madam Chairman, I simply close by saying this is a system which has not been realistically tested in the operational sense. The moneys that are being cut here are not necessary for near-term programs. They are high risk, down the road.

It is appropriate for us to redirect those spendings on issues that are more immediate in terms of our national security defense at this point in time. I urge my colleagues to support this amendment.

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

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding. I find myself in opposition to this amendment.

A $764 million reduction has already been made in the Missile Defense Agency programs. An additional billion dollars would terminate or cancel long-term missile defense programs which I think would not be in the correct mode for the United States. This amendment simply goes too far.

This amendment would effectively terminate most, if not all, of the Missile Defense Agency's longer term research and development programs. Given the dynamic security environment we find ourselves in today, I don't believe it is prudent to do this.

I oppose this amendment because, quite frankly, the committee strikes the right balance in cutting the amount of $764 million, and it should stay as the committee recommended.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, this amendment, is perhaps well intended

but goes much too far. This together with the $764 million that has already been cut from the bill provides us with a 20 percent cut in the missile defense program.

Since 2001, contrary to what the proponents of this amendment just said, the Missile Defense Agency has conducted 27 successful hit-to-kill intercepts. That is 27 out of 36 attempts. I am very proud of these results.

Let me just highlight some of them. On September 1, 2006, we successfully employed an operational ground-based mid-course defense interceptor.

In November 2005 and in June 2006, and again in April 2007, less than a month ago, the SM–3 successfully intercepted both separating and unitary targets.

In July 2006, January 2007, and April 6, 2007, the Terminal High Altitude Area Defense, THAAD, System, successfully intercepted unitary targets.

Finally, during this past March, we saw a successful hit in-flight test of the Airborne Laser Targeting System; all successes, not failures.

Mr. HUNTER. Madam Chairman, I yield 1½ minutes to the chairwoman of the Strategic Subcommittee, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Chair, I thank the gentleman for yielding, and I want to thank my colleagues very much for bringing this issue up, although I cannot support their amendment. I appreciate not only their frustration, but their energy that they bring to the debate because, frankly, as the Chair of the subcommittee, that is the reason we did cut $764 million from this program.

For a long time I think many of us have been concerned that this has been an agency that has been obviated from all of the normal conventions of responsibility and testing regimen and accountability. I think what we see now is that we do have components of missile defense that are successful. Certainly PAC–3 is successful, certainly Aegis BMD is successful, and many of us have very high hopes for THAAD.

The ground-based system has not had as successful testing as many would like. As frustrated as my colleagues may be, as severe a cut as they are proposing is too detrimental to our ability to do what we try to do in this bill, which is to deliver in the near term the kind of protections that we need to have for not only the American people here at home, but for our warfighters deployed down range.

These medium and short-range missile threats are real. It is important that we keep this funding going so we can deliver on these good opportunities while we restructure the program and while we hold the Missile Defense Agency accountable for the first time.

I have to reluctantly oppose this amendment.

Mr. HUNTER. Madam Chairman, I yield 1 minute to the ranking member of the Strategic Subcommittee, Mr. EVERETT.

Mr. EVERETT. Madam Chair, you know, you can attack this a number of ways. Basically what the proponents of this amendment say is that they simply don't like missile defense. I would like to go to where the gentleman from New Jersey and the chairman of the committee went.

There have been 27 successful kills; ground-based missile defense, 5 of 8; Aegis, 8 of 10; THAAD, 3 of 4; Predator, PAC–3, 11 of 14.

A key theme of our bill is we should not proceed with some missile defense programs without robust testing, but testing and systems engineering are always the first to go when cuts are levied on programs. How can you test without money?

I think that is a point of their amendment. They know you can't test without money, and they are against testing and against the missile defense system.

I urge a ''no'' vote on the amendment.

Mr. HUNTER. Madam Chair, very simply, testimony by General Bell, who is commander of U.S. Forces Korea, before the HASC on March 7 said: ''I've got 800 of these missiles pointed at U.S. troops right now in South Korea. So I would support vigorously a robust approach to theater ballistic missile defense, layered defense, intercontinental ballistic. It's a very important part of the total approach to this very serious problem.''

I would very strongly recommend a ''no'' vote on this amendment.

□ 2100

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

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

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

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

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Madam Chairman, pursuant to section 3 and 4 of House Resolution 403, and as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole, and following consideration of amendment No. 43, the following amendments be considered in the following order: amendment No. 7, amendment No. 1.

AMENDMENT NO. 11 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–151.

Mr. FRANKS of Arizona. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FRANKS of Arizona:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR BALLISTIC MISSILE DEFENSE.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $764,000,000, to be available for ballistic missile defense.

(b) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $764,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chairman, we currently only have a limited missile defense capability against limited threats. China is utilizing space for weapons testing, Iran is expected to have missiles capable of reaching the U.S. in less than 8 years, and now nuclear North Korea continues to defiantly test long-range missiles. Proliferation throughout the Middle East is rampant, and Osama bin Laden has stated, ''It is our religious duty to gain nuclear weapons.''

Madam Chair, the first job of Congress is to protect this Nation, and because of the day in which we live, that includes an obligation on our part to ensure that the Department of Defense develops and deploys defensive capabilities that protect the American people and our warfighters against nuclear missiles, which remain the most dangerous weapons humanity has ever faced.

This bill cuts almost $800 million in funding that would help close the critical gaps in our missile defense system.

One of the programs the majority believes is not worthy of the investment is the Airborne Laser. Madam Chair, the Airborne Laser is our primary and most mature boost-phase missile defense system. ABL is a speed-of-light technology that defends against enemy missiles in their earliest phase of flight, before they can initiate sophisticated countermeasures, before they can release multiple warheads, and while they are still on enemy territory.

The bill also takes $160 million from the Missile Defense Agency's $310 million request for the European site, which would defend United States homeland and our European allies and deployed warfighters against ballistic missile attacks from Iran.

Madam Chair, they completely eliminate even the small $10 million budget for conceptual studies of a space test

bed, which would give the United States the technology to defend space assets and defend against enemy missiles in their critical boost phase of flight.

We must, Madam Chairman, have access to space, and we must be able to defend our space assets. It is astonishing to me that this has become a partisan issue.

Madam Chair, if we build a truly robust, layered missile defense system in this country, the day may come when we will have to apologize to the American people for building a defensive system that proved to be unnecessary. But God save us from the day, Madam Chair, when we have to apologize to the American people for failing to build a system that could have protected them from the unspeakable nightmare of missiles turning American cities into nuclear flames.

Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Chair, I thank the gentleman for his leadership.

Madam Chair, I rise in opposition to the majority's proposal to cut $764 million from missile defense just as a genocidal Iran kicks into high gear its missile buildup and sprints toward the nuclear finish line. The incongruity of this proposal is perplexing. These proposed cuts don't make any sense.

Iran has made its intentions clear: the liquidation of the state of Israel and the United States of America. Add to the mix Iran's historic cooperation with terror groups and we have the perfect storm on our hands.

Iran, before long, will have the missiles to reach all of Europe and the United States. We must do all we can to ensure that we cannot be hit or held hostage. We must invest in a robust, layered missile defense that can defend America and her allies against immediate, near-term, and long-term threats posed by Iran and other rogue regimes.

Madam Chair, amid the dangers, how can we decrease our investment in missile defense? Gambling our national security on the illusion that our enemies won't have the resources, technology and wherewithal to launch that first missile into an American school, shopping mall or sports arena is a risk that we should not take. Failing to prepare for this reality could lead to catastrophe, the consequences unfathomable.

I support the gentleman from Arizona's amendment.

Mr. FRANKS of Arizona. Madam Chair, could I inquire as to the remaining time?

The Acting CHAIRMAN. The gentleman from Arizona (Mr. FRANKS) has 5½ minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. PUTNAM).

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

Mr. PUTNAM. Madam Chairman, I thank the gentleman from Arizona for his leadership.

I was struck by something that the subcommittee chairman said during the debate on the last amendment regarding missile defense, which is the concession that the threat from attacks by missile is real. I would submit that it is real, it is significant, and it is growing; and the notion that we would scale back this Nation's preparedness from rogue nations such as North Korea and Iran and the ever-mounting potential threat coming from China, all three of whom have tested ballistic missiles in the last year, is folly, it is reckless, and it puts U.S. interests and U.S. allies gravely at risk.

It is inarguable that the risk from a missile attack is not greater today than it has ever been from the most dangerous and least reliable sources, those who are willing to trade in the terrorist black market of technology and weapons of mass destruction, those who have declared Israel's need to be wiped off the face of the Earth and those who have declared death to America.

We cannot lose sight of this important, over-the-horizon danger by cutting back on funds, researching and developing an adequate missile defense for our country and our allies.

Madam Chairman, I submit to you that there is a vital difference between the direction that the majority and the minority would take U.S. defense policy in this environment. We cannot cut back on our missile defenses in this country and in this environment.

Mr. FRANKS of Arizona. Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the committee.

Mr. SKELTON. Madam Chairman, I thank the gentlewoman.

I rise in opposition to this. A similar amendment was offered in committee and was defeated by a 34–24 vote. With the cuts that were correct, well thought out, on the committee level, our bill still authorizes $9.5 billion for missile defense programs.

This committee's reallocation is just over 8 percent of the Missile Defense Agency's budget or $764 million to such programs as are necessary.

For too long, the missile defense program's been focused on developing futuristic technologies rather than near-term capabilities. Our bill fully funds, or actually increases, funding for key near-term missile defense systems, and for this reason, I do oppose this amendment.

Mrs. TAUSCHER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I rise in opposition to this amendment, specifically because of some of the language that my colleagues have been using.

What I find to be absolutely amazing is my colleagues on this side of the aisle who, for the last 6 years, have operated under a theory that there's never been too much money for missile defense without any accountability and without any reasonable sense that they had to have tests and that they had to produce for the American people. So it's not surprising to me that my colleagues rise and try to add back the money, the 8 cents on the dollar that my subcommittee, in a bipartisan way, trimmed from this program, as we did what the Republican bill last year suggested, that we redirect the focus of missile defense to near-term capabilities for the warfighter, for the American people and for our allies.

Now, the never-too-much money for MDA crowd will try to gin up all kinds of threats, and I will say it again. We here on this side of the aisle are not confused about the threats. We believe these are real threats, and that is why we have diligently restructured the MDA budget to deal with the near-term threats so that we can actually protect the warfighter, the American people and make sure that we have these capabilities now for current threats.

So the idea that we are doing massive cuts and that this is irresponsible probably makes sense to people that think that there's no such thing as not enough money for MDA, but from my point of view and for my constituents, I believe they need accountability, they need a testing regime operated by somebody other than themselves, and we need to have the modest cuts in this budget and need to oppose this amendment.

Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, I thank the gentlewoman for yielding.

If you listen to our friends on the other side of the aisle talk about ballistic missile defense, you'd never know that we have spent in today's money at least $125 billion since the days of Spartan and Sprint in the 1970s. This bill continues spending, continues that trend at a very robust level.

Sure, it does provide for cuts of $764 million, but it leaves in the bill $9.5 billion, and I would challenge the gentleman to find any other system in this bill which is funded at a level more robust than $9.5 billion. I don't think he will find it.

This bill provides, with the $9.5 billion, for the Patriot system, a PAC–3 system, a theater system, a tactical system, vitally important, provides $1.4 billion. That's $500 million more than the current year. It will buy Patriot PAC–3s for two additional battalions.

Aegis BMD, the Aegis cruiser, the adoption of the Aegis BMD by the Aegis cruiser, $1.1 million. That's an increase of $78 million over the current year over the budget request.

The ground-based midcourse interceptor, which shows the most near-term promise for becoming a truly ballistic missile defense intercept system,

$2.3 billion for the GMD. It will buy 10 GMD interceptors to be placed either at Ft. Greeley, Vandenberg or maybe in Europe.

The THAAD is finally achieving its promise. It's our best tactical theater system. The THAAD is funded at $858.2 million. That's enough to buy two additional THAAD firing units.

The kinetic energy interceptor, our boost phase system, is funded at $177 million. It's in its earliest phases, but it looks like the most promising technology for boost-phase intercept.

Multiple kill vehicles, yet they're cut by $42 million, but that leaves $223 million for a new technology.

Space tracking and surveillance, they're cut, cut by $75 million, but that's because we are going to launch two satellites and then see what they can do. And if they do what they're supposed to do, if they meet their specifications, we will launch about seven more, but we're not going to buy and launch those seven more until we know what the two demonstrate what they can achieve.

□ 2115

That's a sensible cut, as are all of these cuts. They are very discriminating cuts. The airborne laser is a good example. This system has been cut by $250 million to $300 million. That's enough money to maintain the system as a technology demonstrator, which is the likely course that this system is going to run anyway.

It has missed numerous milestones for development purposes. They are not throwing the system away. They are going to convert it from something that's likely to be put in the force in the near term to something that we can extract the technology from and then decide whether we want to go further with it.

But you have to ask yourself if this system, which is missing its milestones and looks like it cannot attain the promises that were initially made for it, is costing $500 million a year, shouldn't we consider some small cut in it in order to place the money elsewhere?

These are discriminating cuts. They leave the program robustly funded. This amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

My friend from Florida a few minutes ago talked about a threat over the horizon. He is right, it is a threat, and it's over the horizon. This bill takes, to deal with that threat, for every $100 the President asks for, we give them $91.50 to deal with that threat.

We allocate that money in this way. We say for the technologies that are robust and mature and working, let's do more of it to protect us better and sooner. But for the technologies that are untested, let's test them and see if they work.

Now, what do we do with the $8.50 per $100 that we do not put into these untested technologies? We find what the 9/11 Commission has called the grave immediate threat to the country. A grapefruit-sized quantity of loose nuclear material, if made into a bomb by a terrorist group, could create a Hiroshima-type explosion in Times Square in New York City, or at the Washington Mall here in this city.

The administration is on a path to convert reactors that have that loose nuclear material in the former Soviet Union to get them all done in the next 14 years. We don't think that's good enough. So we take the money and speed it up so those reactors will be converted and shut down sooner. That threat is not over the horizon. It is here today.

That is where we should be spending our money, and that is why this amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Madam Chairman, let me just make this clear. This is a net cut in missile defense. This is not a matter of taking money from something that we don't need and moving it to something we urgently need. This is a net cut of $764 million.

Now, my great friend from North Carolina (Mr. SPRATT) made the point we spent well over $100 billion on missile defense since Ronald Reagan reminded us that we live in the age of missiles. On the other hand, the strike on 9/11 probably cost us, in terms of economic destruction, $500 billion plus.

We can't afford not to have robust missile defense. That means you take down incoming missiles at all phases, in boost phase, in midcourse, and, lastly, in terminal phase. We need robust missile defense. We need to defend this country. We need to restore this money, and the Franks amendment is right on target.

Mrs. TAUSCHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, as I said earlier, I rise in opposition to this amendment because we, I believe, have cuts in this bill that not only preserve the ability to have robust investments in missile defense, but, for the first time, create accountability for the Missile Defense Agency to deliver in the near term the kinds of capabilities necessary to protect our warfighters in the near term for real threats they face today, the American people, for real threats they face today and our allies and access abroad.

That is what we decided to do last year in the defense bill. That is our most important priority. These are minor cuts that redirect our agency to do what they never did under our colleagues when they were in the majority, which is to have operational testing that is real, that has countermeasures, that deals with the real kinds of circumstances that we would face if we were attacked. There is great doubt out there about the capabilities of this system because it has never been held to the rigor and the robust testing necessary to make it a credible deterrent.

We believe these cuts are marginal cuts. We plus up many things in this bill to make sure that we deliver in the near term to the warfighter the capabilities they need, and I urge my colleagues to oppose this amendment.

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

Mr. FRANKS of Arizona. Madam Chairman, might I inquire as to the remainder of the time?

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I serve as the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade. What this underlying bill cuts is the funding for European missile defense that would be situated in Poland, which would catch an attack from Iran in the boost phase.

Now, the reason this is important, why are we worried about Iran in this, the IAEA inspectors, if you recall, this last weekend were shocked to find that Iran had made very fast progress on enrichment of uranium needed to make a nuclear bomb. They said this made it clear that technological advances in Iran are coming on very, very fast.

The proposed missile defense deployments in Poland and the Czech Republic that this amendment supports would thus help the United States and Europe. It's supported by Poland, the Czech Republic, the U.K., and frankly to cut it right now makes no sense.

Sixteen of the last 17 tests have been successful. This Congress, again, should not weaken our missile defense, especially at a time when we found North Korea transferring this missile technology to Iran. We can see this coming. Pass this amendment.

Mr. FRANKS of Arizona. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, I rise in support of this amendment for two very important reasons. First, there is a growing threat. Today's Herald Tribune, a newspaper owned by The New York Times, says that North Korea is developing new, long-range missiles capable of hitting Guam, an article from the Herald Tribune.

The second set of reasons that I support this amendment is that while there is a growing threat there is a rapidly emerging U.S. missile defense system. Since 2001, our successes have

been many. We have conducted 27 successful hit-to-kill intercepts. That's 27 out of 36 attempts.

Therefore, let me just highlight some of the most recent successes. On September 1, 2006, we successfully employed an operational ground-based midcourse defense interceptor.

In November of 2005, June 2006 and, again, in April of 2007, less than a month ago, we successfully deployed an SM–3 interceptor, both separating and unitary targets.

In July 2006, January 2007 and April 2007, the Terminal High Altitude Area Defense, THAAD, System successfully intercepted unitary targets.

Finally, during the past March, we saw successful in-flight tests of the Airborne Laser Targeting System used for boost-phase intercept. Each of the near-term capabilities of PATRIOT, Aegis BMD, and GMD are only successful today because we provided them funding to test and develop them.

Cutting the Missile Defense Agency by $764 million will have the exact opposite effect. Therefore, knowing that our warfighters are asking for additional missile defense capabilities as soon as possible and that we have a missile defense system that actually works, Congress should not reduce defense spending on missile defense in light of the growing and clearly demonstrated threat by our adversaries.

Mr. FRANKS of Arizona. I urge my colleagues for this and future generations' sake to pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

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

Mr. FRANKS of Arizona. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 31 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. SESSIONS:

In section 222, add at the end the following:

(e) CLARIFICATION.—Subsection (a)(2) does not prohibit the use of such funds to place developmental missile defense systems on operational alert to respond to an immediate threat posed by ballistic missiles.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Chairman, between November 2006 and January 2007, Iran tested its long-range ballistic missile capacities twice.

In July 2006, North Korea also tested a number of its ballistic missiles, including one that has a range of 9,000 miles and could hit parts of the United States of America.

In response to North Korea's test, the United States' Northern Command made nearly a dozen of our anti-ballistic missiles operational, or ready to use, to defend the United States against an imminent danger posed by ballistic missiles.

North Korea's long-range missiles were detected by United States satellites within seconds, and, thankfully, the missile failed after 42 seconds and after only several hundred miles of flight but North Korea and many of our strategic rivals and enemies continue to develop their missile capacities.

Now, it is the time for America's adversaries to understand that America must not have an unwillingness to put its missile defense system on operational alert in the face of imminent threat.

Section 222 of this legislation that we are debating tonight would prevent the missile defense funds authorized by this legislation from being used for operational and support activities.

Specifically, the language in this bill states that the funds provided only be used for the research, development, test and evaluation of our Nation's missile defense system, and it specifically prevents these funds from being used for operational and support activities.

My amendment would clarify that nothing in this legislation would prevent the United States of America from placing our missile defense system on operational alert to respond to an immediate threat to our security posed by enemy ballistic missiles.

If this bill is adopted without my amendment, it would mean that we are telling countries like North Korea that they can take a free shot at the United States of America because we would be unwilling to stand up our current missile defense capacities, exactly the wrong message to send to our enemies.

This makes no strategic sense, and the position of every Member of this body also should be on record saying that. If you want to tie the President's hands in defeating and defending America from ballistic missiles and declare to our enemies our lack of will to defend ourselves against ballistic missile attack, you should oppose this amendment.

But if you believe that Congress should make clear that this legislation should not and would not prevent our defenses from being placed on operational alert to respond to an immediate threat posed by ballistic missiles, you must support this amendment.

I encourage all of my colleagues to provide our military with the clearly stated flexibility that they need to defend our country.

Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I claim the time in opposition, although I don't oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Mrs. TAUSCHER. Madam Chairman, let's just be clear. There is nothing in the bill that says that MDA cannot put the system on operational alert using RDT&E funds. They are not prohibited from doing it. In fact, they have done it in the past.

What section 222 does say that if you are going to operate it, you should use operating and maintenance funds. That's all it says.

□ 2130

So we have no objection to the gentleman's amendment, because in fact there is nothing in the bill that prohibits the system from being flicked on, and there is nothing about what we say that is contrary to what the gentleman is asserting. However, we do believe that it is important that when you are operating a system, you should use operation and maintenance funds.

Mr. HUNTER. Will the gentlelady yield?

Mrs. TAUSCHER. I am happy to yield to the ranking member.

Mr. HUNTER. I thank the gentlelady for yielding and I appreciate her courtesy. And let me just say why I think you may want to consider supporting this amendment.

We had a discussion and we had some confusion a couple years ago with respect to missile defense, the systems that we were placing in Fort Greely, Alaska. The question was whether money that was R&D money could be used for construction, basically for pouring concrete, and we had a tremendous tug-of-war over that. So there is some ambiguity here.

We have got 14 missiles that could be used to intercept a couple of rogue incoming missiles even out of the test bed. So we could use these test missiles to protect our country in extreme circumstances.

I don't think it is a bad thing to clearly lay that out and clarify it in light of the fact that we did have confusion over the color of money in the missile defense programs between R&D and MILCON.

So would the gentlelady consider that in supporting the gentleman's amendment?

Mrs. TAUSCHER. Reclaiming my time, I said that very easily I would be happy to accept the amendment.

Frankly, we have had a markup in the subcommittee and a markup in the full committee over the last 3 weeks, and any time, if the gentleman had come to me and said that he needed clarification for what these funds could be used for, I would have been happy to clarify for him. And I hope he now feels it has been clarified.

It has always been operationally possible for the RDT&E money to be used for operational alerts. That is what they have been used for before.

So I am happy to accept the gentleman's amendment.

Madam Chair, I reserve the balance of my time.

Mr. SESSIONS. Madam Chair, I appreciate the gentlewoman from California, and the gentleman from California also, speaking about this very important issue. And I do appreciate the gentlewoman accepting this amendment.

Madam Chair, I yield back the balance of my time with the knowledge that will be done.

Mrs. TAUSCHER. Madam Chairman, I am happy to take the amendment. And any time that the gentleman wants to work together on these issues, we are happy to do it.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 41 printed in House Report 110–151.

Mr. KING of Iowa. Madam Chair, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KING of Iowa:

In section 1222 of the bill, strike ''Section 1519'' and insert ''(a) CONTINUATION OF PROHIBITION.—Section 1519''.

In section 1222 of the bill, add at the end the following new subsection:

(b) RULE OF CONSTRUCTION.—Congress recognizes that the United States has not established any permanent military installations inside or outside the United States. Nothing in this Act or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases by entering into a basing rights agreement between the United States and Iraq.

The Acting CHAIRMAN. Pursuant to Resolution 403, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I am offering this amendment to add language to section 1222 of the bill. This language will clarify that the prohibition on establishing permanent military bases in Iraq will not prevent the United States and Iraq from entering into military basing rights agreements for the establishment of temporary bases in Iraq.

After I offered a similar amendment in the fiscal year 2007 Defense appropriations bill in the last Congress, I wrote a letter to Chairman Pace, Chairman of the Joint Chiefs of Staff; and in that letter, I asked General Pace for his thoughts on the need for the U.S. to enter into and retain the ability to enter into military basing rights agreements in Iraq and with Iraq. In his response, General Pace stated that it is the intention of the United States military to ''work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq.''

As this statement makes clear, we must ensure that the United States has the ability to work with the sovereign Government of Iraq to determine the kind of military support that will be necessary to ensure the stability and security of Iraq. My amendment will reaffirm that the United States' ability to exercise an important diplomatic responsibility in dealing with a new ally in the global war on terror. That ally is the Government of Iraq.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into basing rights agreements with countries hosting American troops. This is being done in every country hosting U.S. troops. The representative Government of Iraq should be no exception. In this way, my amendment ensures Iraq's sovereignty will be respected.

My amendment will simply highlight the fact that the prohibition on the establishment of permanent bases does not prohibit the United States from entering into a sensible diplomatic dialogue regarding the establishment of temporary military installations in Iraq. So, not to enter into these agreements would be to neglect the United States' diplomatic duties, and our security duties as well, with our partners.

One of the things that has poisoned this debate has been the use of the term ''permanent base.'' It is no secret that this is a loaded term. However, the BRAC process has clearly demonstrated that there is no such thing as a permanent U.S. military base. As a reflection of this, military basing rights agreements can be negotiated for any length of time and can be renegotiated at any point in time.

I am not proposing the terms and conditions for these discussions or agreements, nor am I proposing the installation of permanent bases in Iraq with this amendment. I am not interfering or engaging in that, I am simply clarifying the intent of Congress and the hope and the policy that the Pentagon has advocated through General Pace's letter. I am simply asking that we ensure the United States be allowed to pursue our historic necessary avenue of responsible foreign relations.

CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC, August 16, 2006.

Hon. STEVE KING,
House of Representatives,
Washington, DC.

DEAR MR. KING: Thank you for your letter concerning long-term basing in Iraq. U.S. military personnel in Iraq are part of the multinational force helping the Iraqi people develop and strengthen their own political, economic, and security institutions. We are working with the new Iraqi government to establish a future security relationship that is consistent with our regional strategy and national interests. We will also work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq.

Currently, Multi-National Force-Iraq (MNF–I) is efficiently consolidating the basing footprint in Iraq to progressively reduce basing requirements to only those necessary to support Coalition operations. MNF–I uses a ''conditions-based'' process to synchronize basing requirements. MNF–I seeks to minimize our presence in Iraq, including Coalition partners, provincial reconstruction teams, transition teams, Department of State activities, and other supporting units and entities. This process will culminate with a transition to an operational and strategic overwatch posture, leveraging and maximizing support from a minimum number of strategically located forward operating bases and convoy support centers.

Foreign military presence irritates some segments of the population and motivates portions to support the insurgents. However, some segments of the population are thankful for our presence and do not desire our withdrawal until the security situation has improved. Further, our interactions with Iraqis and others build understanding and trust and reduce the myths our adversaries are propagating. It is a difficult balance and one that must be adjusted frequently. Our discussions and decisions with regard to Iraq and the War on Terrorism will balance our security needs, the needs of Iraq, and of our allies while remaining attuned to the cultural sensitivities of the people in the region.

Your continued support of the men and women of our Armed Forces is appreciated.

Very respectfully,

PETER PACE,
General, U.S. Marine Corps.

Mr. HUNTER. Would the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I support his amendment.

As many of us on the Armed Services Committee have traveled to Iraq a number of times, and we utilize right now bases throughout Iraq, like the Balad Air Base, which was previously a fighter air base for Saddam Hussein's tactical aircraft, we use those bases, it makes absolute sense that we shouldn't somehow put Iraq in a different category than every other ally of the world which allows us to have a basing in their country. So designating that we may have temporary basing in Iraq is absolutely normal relations with Iraq, something that we have with dozens and dozens of other nations; and that will allow us in times of exigency to be able to use runways for resupply, for tactical air operations, for other

operations that extend important American foreign policy in that region of the world.

And so I think the gentleman has a very commonsense amendment, and I would support it.

Mr. KING of Iowa. Reclaiming my time. I thank the gentleman from California, especially for his leadership on our national defense issues in a lot of ways. And I would just clarify the simplicity of this amendment.

It simply states that the United States has not established any permanent military installations inside or outside the United States. And nothing in this act that is before us or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases.

That is the essence of this amendment. It is a clarifying amendment, because we had confusion last year and a misunderstanding last year that required a scramble to go to the Pentagon, to get a response from General Pace, to go to the conference committee, and to come back with language that was acceptable that secured the people of the United States and also protected our military that are out in the field protecting us. That is the essence of this amendment.

I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. SKELTON. Some things are hard to understand. I think this is a very bad idea. By adopting this amendment, we are sending a message to the Iraqi people that we are there forever. We are sending a message to the American people we are going to be in Iraq forever. And what we are doing there is, at the end of the day, trying to create trust among the Iraqi people, and this is a major step backwards.

The President has not affirmed one way or the other on this, and I think we in Congress should strongly say that we are not there permanently, that we are there to bring stability, that we are there to encourage the representative government that is struggling along; but we are not there as a permanent resident either on a base or otherwise. And this is a message amendment that is to the Iraqi people and to the American people, and it is just a downright unclear and bad idea.

I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank the chairman for yielding.

I oppose this amendment because I believe its provisions subvert the best hope for stabilizing Iraq and ending the Iraqi civil war. I believe that if the responsible Sunni and Shia leadership in that country believe that it will become their responsibility to reach a political settlement to the end of the civil war, they will do so. I believe they will never accept that responsibility if they believe that the presence of the United States is permanent and indefinite.

I think, as the base bill does, that making a statement that we do not wish to have permanent bases in Iraq supports this theory, and will bring about a greater probability of stabilization of Iraq and an end to the Iraqi civil war.

So I believe the amendment sends precisely the wrong message and I oppose it.

Mr. SKELTON. I yield 1 minute to my colleague and friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I very much thank the Chair of the Armed Services Committee.

I also rise in opposition to this amendment. The United States are liberators, we are not occupiers. And yet, our enemy is propagandizing to the people that they are trying to convert to their cause that we are there permanently to take their oil, to control their government, to control their actions. And if we pass this amendment, we are confirming what our enemy is trying to suggest in generating more support against the American cause.

As I say, we have always gone in to liberate, not to occupy. And to suggest, which is what this amendment would do if it passed, that we are there permanently, with permanent bases, is exactly the opposite of the message that we need to send. And our military commanders have made it clear, we will not achieve a military victory. If we are going to be victorious, it has to be a political victory. And this is a key aspect of that political victory. So I strongly urge defeat of this amendment.

Mr. SKELTON. Madam Chair, I reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I stand here and listen to this debate, and I am wondering what kind of message the Iraqi people are getting. I suspect they might have read this amendment. They might know that this amendment clearly says, and that is what is already in the record, that the United States has not established permanent military installations anywhere, and that nothing in this act or provision shall be construed to prevent us from establishing temporary military installations or bases in those agreements in the United States or Iraq or anywhere.

This amendment addresses temporary basing rights, not permanent basing rights. It is a clarification amendment, because we have had so much confusion and miscommunication. Now we have more confusion and miscommunication; and I would direct the attention, if I could, of the Members of this body back to the language that started this, which was the language that was amended out of the bill last year that says that none of the funds made available in this act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

□ 2145

That reference prohibited any basing rights agreement, temporary and permanent. We had to go to the Pentagon to get support, which the administration is the voice of, in order to clarify this language last year, this amendment's clarifying language this year. It's a simple thing. It says we can enter into temporary basing rights agreements wherever it's prudent for us to do so, not permanent basing rights agreement in Iraq or anywhere else.

Madam Chair, I reserve the balance of my time.

Mr. SKELTON. I yield an additional 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I only want to ask the author of the amendment, because I'm not sure I heard him correctly. Did he suggest that he thinks that the Iraqis have read this amendment?

I'm not entirely sure you would agree that all of our colleagues have read this amendment. But do you really think the Iraqis have read this amendment?

Mr. KING of Iowa. If the gentleman would yield.

Mr. MORAN of Virginia. Yes, I yield to the gentleman from Iowa.

Mr. KING of Iowa. I suspect the Iraqis will read this amendment if it becomes law. I suspect that my critics haven't all read this amendment. I hope they have, because I don't think we really disagree on the policy.

Mr. MORAN of Virginia. Reclaiming my time. My only point is that this is so much about the message we send, and I think the message that we want permanent bases is the wrong message.

Mr. SKELTON. Madam Chairman, what this amendment says is this: Excuse me, Mr. And Mrs. Iraqi. Hey, we're here permanently. That's the message that this amendment sends. And I doubt if there are many households in Baghdad or Tikrit or anywhere else that will read this amendment. But they'll get the message, should this amendment pass. The message is, Mr. And Mrs. Iraqi, we're here forever.

We can't do that. I oppose this amendment.

Madam Chairman, I yield back my time.

Mr. KING of Iowa. Madam Chair, first I'd say that perhaps I'm here endeavoring on the impossible dream, and that would be if we could just simply use this great communication skill that we all have and use it to communicate, so that we could exchange ideas and be able to agree when we agree and disagree when we disagree on the fundamental philosophy that's there, not because we came to the floor to disagree, because we don't. We're not advocating here for permanent bases. And

there's nothing in the language of this amendment that advocates for permanent bases. This is a clarification that says we're not going to foreclose our responsibility to be able to negotiate temporary bases in Iraq or anywhere else. We've never had our United States military anywhere in the world where we didn't have some kind of temporary basing rights agreement. We have never had a permanent basing rights agreement anywhere. And we have closed many bases across Germany and Europe. We've done that. We'll do so, and we're doing so in Iraq. We've happened over a number of different bases. The last number I heard was 33. It's probably many more than that into the hands of the Iraqis for their control. And so the message that needs to come from here, if we're concerned about the message that we're sending, we should stand up and say we agree. We don't intend to stay in Iraq permanently. We do agree that it'll require some temporary bases for us to carry out our operations there to protect our American troops that are there with the coalition and the Iraqi people. It's a prudent and a wise thing to do. Having a misunderstanding and a misconception is not a good thing to do. I think we agree on the policy. We should come together on the message.

Support this amendment, Madam Chair. And if we do that that will better, I believe, for the people in this country, for our military, for the Iraqi people. And as this unfolds, where the surge tactics are, they'll have the confidence that we stand with our military here in a prudent approach.

Madam Chair, I'd urge support for my amendment, and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 15 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–151.

Mr. MORAN of Virginia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MORAN of Virginia:

At the end of subtitle E of title X, insert the following new section:

SEC. 1055. A REPORT ON TRANSFERRING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for the transfer of each individual presently detained at Naval Station, Guantanamo Bay, Cuba, under the control of the Joint Task Force Guantanamo, who is or has ever been classified as an ''enemy combatant'' (referred to in this section as a ''detainee'').

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An identification of the number of detainees who, as of December 31, 2007, the Department estimates—

(A) will have been charged with one or more crimes and may, therefore, be tried before a military commission;

(B) will be subject of an order calling for the release or transfer of the detainee from the Guantanamo Bay facility; or

(C) will not have been charged with any crimes and will not be subject to an order calling for the release or transfer of the detainee from the Guantanamo Bay facility, but whom the Department wishes to continue to detain.

(2) A description of the actions required to be undertaken, by the Secretary of Defense, possibly the heads of other Federal agencies, and Congress, to ensure that detainees who are subject to an order calling for their release or transfer from the Guantanamo Bay facility have, in fact, been released.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I first want to thank the chairman of the Armed Services Committee and his superb staff for helping redraft portions of this language so that it might be considered. The final language represents a common-sense agreement that I think we should all reach consensus on.

The amendment's purpose is to shed some light on what has become an increasingly invisible world down at Guantanamo Bay.

The first detainees were brought to Guantanamo in 2002 to bypass the U.S. legal system and avoid international conventions and public scrutiny. Since that time the detainment facility has become a blight on American ideals and principles.

We have captured, tortured and interminably held men that we call enemy combatants, some of whom are guilty of crimes against our Nation and should be punished. Others, however, are only guilty of being in the wrong place at the wrong time.

We have created closed military tribunals that offer the false impression of justice, but they fall woefully short of what we should expect from our American system of justice.

Like Abu Ghraib, we've created an unnecessary rallying cry and recruitment tool for al Qaeda and militant Islamists throughout the world. I strongly believe that the continued operation of Guantanamo Bay puts Americans in harm's way and threatens the safety of any of our captured military and civilians abroad.

Defense Secretary Robert Gates and Secretary of State Rice have agreed that Guantanamo Bay represents a serious problem if we are to prevail in the global war on terror. They both advocated shuttering Guantanamo Bay's detention facilities. Even President Bush expressed a desire to see Guantanamo Bay closed.

This amendment offers a first step in giving the President, the Congress and the Department of Defense policy alternatives to Guantanamo Bay. This amendment will require the Department to develop a plan to transfer detainees from Guantanamo Bay.

The report must estimate how many detainees the Department will charge with a crime, how many will be subject to release or transfer, or how many will be held without being charged with a crime, but whom the Department feels that it must detain.

Lastly, the report would include a description of actions required by the Secretary and Congress to ensure that detainees who are scheduled for release are, in fact, released.

This last piece is particularly important, as the Department of Defense has scheduled release of 82 detainees. DOD and the State Department, however, face obstacles releasing these men to their home countries, and in some instances their home nations won't accept their return. In other instances, the State Department won't return detainees to their home nations for appropriate reasons. But we need to know what policy tools Congress can provide to expedite the release of innocent detainees.

All of this information is absolutely necessary for Congress and the administration to make informed decisions about what to do about Guantanamo Bay.

Whether you like it or not, whether you believe that Guantanamo Bay is a blight on our international standing, or whether or not you believe that these detainees should be held and tried in the United States, we should all agree that the policy options before the President and Congress should not be limited by a lack of information.

To opponents of shutting down Guantanamo Bay and my colleagues who believe its closure is a sign of weakness, I suggest that upholding our American principles of justice are not incongruent with our war against terror.

And in a speech before the Republican National Convention in 1992, I would remind my colleagues President Reagan emphasized that our greatest strength as a Nation comes not from our wealth or our power, but from our ideals.

I ask all of my colleagues on both sides of the aisle to support this common-sense amendment, to move forward in our battle against anti-American sentiment, and to provide the President and Congress with real policy options for shutting down Guantanamo Bay.

Mr. SKELTON. Will the gentleman yield?

Mr. MORAN of Virginia. Yes, I'd be happy to yield.

Mr. SKELTON. I think that the gentleman should be commended and complimented on working with us to finally get the language that was the real intent of the amendment, and that what it does is requires a report to Congress on specific items. It does not specify detainees to be transferred or any change such as that.

So seeking information, I think, is basic to what we do as a country and what we do as a Congress. And I thank the gentleman very much for working with us to clarify this amendment, and appreciate you yielding.

Mr. MORAN of Virginia. I thank the chairman. I will reiterate the comments I made at the beginning. I thank very much the chairman's leadership and his superb staff for bringing us to this point. And as you say, this is only a matter of acquiring information.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. My colleagues, I have a lot of respect for my friend from Virginia, but this amendment is a bad amendment. It's an amendment which goes to the very core of the Guantanamo facility, the purpose of the Guantanamo facility, the nature of the people who are imprisoned in the Guantanamo facility, and the ongoing war against terrorism.

Now, I'm reading my friend's amendment, and it directs DOD to undertake a plan for the transfer of each individual presently imprisoned at Guantanamo.

Ladies and gentlemen, the people who are imprisoned in Guantanamo are largely terrorists. They include people like Khalid Sheikh Mohammed, who has admitted in court that he planned the attack on 9/11 that destroyed thousands of American lives.

It includes people like Abu Zubaydah, who helped smuggle now deceased al Qaeda leader al-Zarqawi and some 70 Arab fighters out of Kandahar, Afghanistan into Iran, who also tried to organize a terrorist attack in Israel, who was recruited by Osama Bin Laden.

It includes Ahmed Galeni, who worked for al Qaeda's chief of external operations and forged or altered passports for many al Qaeda members, who knew and met many of the operatives involved in the attacks, including Fahid Masala, who was asked to help the group purchase TNT for trucks and gas cylinders that would later be used to construct a car bomb, requests which he fulfilled.

Ladies and gentlemen, these are people who understand how to kill large numbers of people. The last thing you want to do is to take people from an extremely secure facility that has been designed to ensure that they don't escape, that they're not able to spread their understanding of car bombs and other destructive devices to other terrorists or prisoners.

Now, the gentleman's initial amendment that was filed on this went a bit further. It talked about moving the detainees to places in the United States. And if you think it through, that's where we would probably have to transfer them. If it orders DOD to put together a transfer plan, the logical recipients of that transfer plan will be bases and facilities in the United States.

Now, that means that unless you isolate these terrorists, these people that know how to make car bombs, you're going to put them in facilities in the U.S. with American criminals, and they are presumably going to teach these people how to make things like car bombs and other destructive devices. In this case, you have to keep them isolated.

And I would say to my colleague, you know, we have had, under the tribunals that we have put together to determine whether people are just farmers in the field or whether they really were terrorist combatants, we've released a number of people who have gone back to Afghanistan and gone back to their home countries. A few of them have actually shown up on battlefields around the world fighting us again, which shows that our standard for releasing them has in some cases been too liberal, not too conservative.

□ 2200

But the idea of taking people who know how to kill large numbers of people with destructive devices and moving them, spreading them around to other institutions where they may give that knowledge to other people, other criminals who have hurt Americans, who might be inclined to hurt more Americans, is not a good idea. We need to keep them isolated.

And I would say to my colleague I have been down to Guantanamo. I am sure he has also. We feed those people well. They have a better medical system than most HMO systems in America. Not one person has been murdered in Guantanamo. And none of us can say about our State prisons nobody has ever been murdered in our State prison. Every single Member of this body has State prisons in their districts or their State in which more murders have taken place than in Guantanamo. Nobody is making a suggestion that we close our State prisons because they have a bad reputation nationally or internationally.

So I would respectfully urge a very strong ''no'' vote on this amendment. I think it is a bad amendment. I respect the author, but I think it takes us in the wrong direction.

Let's keep these people collected. Let's keep them isolated. Let's keep the rest of the world safe.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend for yielding.

First of all, I agree with you the people you described, Khalid Shaikh Mohammed and the like, appear to be very dangerous people. These people, however, who were just transferred to Guantanamo, I think when Secretary Gates and the President spoke about Guantanamo, they were referring to the 772 that had been there over the period of 4 years now, rather than new arrivals.

But the point is, this is only a report; this does not mandate any action. It just presents information to the Congress. If the Congress was to transfer it, what would be the implication? So it is only a report, I would again remind the gentleman.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

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

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

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

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 32 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HOLT:

At the end of subtitle E of title X, add the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING RECORDINGS OF STRATEGIC INTERROGATIONS AND OTHER PERTINENT INTERACTIONS AMONG DETAINEES OR PRISONERS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE UNITED STATES AND MEMBERS OF THE ARMED FORCES, INTELLIGENCE OPERATIVES OF THE UNITED STATES, AND CONTRACTORS OF THE UNITED STATES.

(a) IN GENERAL.—In accordance with the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and prohibitions against any cruel, unusual, and inhuman treatment or punishment under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, the President shall take such actions as are necessary to ensure that any strategic interrogation or other pertinent interaction between an individual who is a detainee or prisoner in the custody or under the effective control of the Armed Forces pursuant to a strategic interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the Armed Forces, an intelligence operative of the United States, or a contractor of the United States, is videotaped.

(b) COMMENCEMENT OF REQUIREMENT.—The videotaping requirement under subsection (a) shall be applicable to any strategic interrogation of an individual that takes place on or after the earlier of—

(1) the day on which the individual is confined in a facility owned, operated or controlled, in whole or in part, by the United States, or any of its representatives, agencies, or agents; or

(2) 7 days after the day on which the individual is taken into custody by the United States or any of its representatives, agencies, or agents.

(c) CLASSIFICATION OF INFORMATION.—The President shall provide for the appropriate classification to protect United States national security and the privacy of detainees or prisoners held by the United States, of video tapes referred to in subsection (a). Videotapes shall be made available, under seal if appropriate, to both prosecution and defense to the extent they are material to any military or civilian criminal proceeding.

(d) STRATEGIC INTERROGATION DEFINED.—For purposes of this section, the term ''strategic interrogation'' means an interrogation of a detainee or prisoner at—

(1) a corps or theater-level detention facility, as defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006); or

(2) a detention facility outside of the area of operations (AOR) where the detainee or prisoner was initially captured, including—

(A) a detention facility owned, operated, borrowed, or leased by the United States Government; and

(B) a detention facility of a foreign government at which United States Government personnel, including contractors, are permitted to conduct interrogations by the foreign government in question.

(e) ACCESS TO PRISONERS AND DETAINEES OF THE UNITED STATES TO ENSURE INDEPENDENT MONITORING AND TRANSPARENT INVESTIGATIONS.—Consistent with the obligations of the United States under international law and related protocols to which the United States is a party, the President shall take such actions as are necessary to ensure that representatives of the following organizations are granted access to detainees or prisoners in the custody or under the effective control of the Armed Forces:

(1) The International Federation of the International Committee of the Red Cross and the Red Crescent.

(2) The United Nations High Commissioner for Human Rights.

(3) The United Nations Special Rapporteur on Torture.

(f) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)) shall jointly develop uniform guidelines designed to ensure that the videotaping required under subsection (a) is sufficiently expansive to prevent any abuse of detainees and prisoners referred to in subsection (a) and violations of law binding on the United States, including treaties specified in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the guidelines developed under paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Let me begin by thanking Chairman SKELTON for his consideration in support of this amendment.

Some time back I was asking U.S. servicemen about interrogation of some detainees. Suppose you and your translator are not familiar with the dialect of the detainees, I said, how would you make a tape available to a good linguist for review?

What tape, they said.

Later in other circumstances I learned about charges of mistreatment of detainees. But the only record of our treatment of detainees were the shameful recreational photos of Abu Ghraib. An official recording would have helped the situation, perhaps even have prevented the problems.

Hundreds of law enforcement organizations in all 50 States and the District of Columbia employ recording of interrogations and that is becoming the standard for interrogations around the United States. It improves the ability to get the best information, and it protects all parties involved, the interrogators and the detainees. I believe the lessons of those law enforcement organizations can be applied to our current detainee policies.

For years, police officers around the country resisted the idea of putting video cameras in their cars and interrogation rooms. Now those cameras, the dashboard camera, for example, is one of the cops' best friends. Today, such tools are widely used by law enforcement organizations around the country because of the protections and the investigative value they provide.

My amendment has three provisions: to require video recording of interrogations and other pertinent interactions between U.S. military personnel, or contractors, and detainees arrested and held. The video records would be kept at the appropriate level of classification and be available for review by intelligence personnel to help maximize the intelligence benefits of such interrogations. It would require the Judge Advocate General, pursuant to the Uniform Code of Military Justice, to develop guidelines designated to ensure that the video recording sufficiently prevents abuses of rights of detainees and prisoners.

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

Mr. HOLT. I would be happy to yield to the chairman.

Mr. SKELTON. Mr. Chairman, I support this amendment. This is just downright good law enforcement.

You must understand that so many jurisdictions, so many States have videotaping of interrogations for the very reasons that you stated, to make sure that their rights were preserved, to make sure that they said what was said to have been said, and there is a taping that cannot be refuted.

And you must remember that everyone is a potential defendant before a military commission. And what better evidence is there to present before a military commission, either for the defense or for the prosecution, than what was actually taped during interrogation? I think that we are just trying to catch up with other States that do this and require this. It is just good law enforcement.

And I thank the gentleman for yielding.

Mr. HOLT. Mr. Chairman, reclaiming my time, I thank the Chair for his comments.

Indeed, this is becoming the standard of interrogation. The video recording is inexpensive, easy to use, and it helps.

My amendment would also afford access to prisoners by the International Red Cross and Red Crescent, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture.

The electronic recording of interrogations is a concept that has been endorsed by multiple domestic and international organizations. In 1998, the Human Rights Committee of the United Nations strongly recommended that interrogation of suspects in police custody and substitute prison be strictly monitored and recorded by electronic means. In 2004, the American Bar Association urged all law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects. Hundreds of DAs and prosecutors use these techniques.

Today, the ACLU noted in their endorsement letter of this amendment that it would increase the accountability for compliance with the McCain antitorture amendment. Human Rights First, Human Rights Watch expressed similar statements in their endorsement letters, and I will include in the RECORD these letters of endorsement from Human Rights First, Human Rights Watch, and the ACLU.

HUMAN RIGHTS FIRST,
New York, May 16, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: I write to express the support of Human Rights First for a proposed amendment to the FY2008 National Defense Authorization Act (H.R. 1585) introduced by Representative Rush Holt. The amendment would require the videotaping of interrogations and other pertinent interactions between detainees in the custody or under the effective control of the U.S. Armed Forces and relevant U.S. officials, consistent with a recommendation made by the Army Inspector General in July 2004. The amendment would also require that the International Committee of the Red Cross (ICRC), the U.N. High Commissioner for Human Rights, and the United Nations Special Rapporteur on Torture are provided access to detainees in U.S. custody.

These provisions are intended to ensure that the treatment of detainees in the custody of the United States Armed Forces is consistent with longstanding U.S. obligations under domestic and international law, including existing rules concerning ICRC access to prisoners. These commitments are contained in binding military regulations and field manuals and reflect the judgment that upholding the principle of providing access to captured prisoners is strongly in the interest of the U.S. military.

Because it advances both the interests of the United States and its values, we urge you

to support Representative Holt's amendment to the National Defense Authorization Act.

Sincerely,

ELISA MASSIMINO,
Washington Director.

HUMAN RIGHTS WATCH,
New York, May 16, 2007.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HOLT: Human Rights Watch writes to express our strong support for your amendment to the Department of Defense Authorization Bill, to ensure independent monitoring of detainee treatment and to require videotaping interrogations of prisoners in the custody of the U.S. Armed Forces.

Revelations about the use of torture from Abu Ghraib and detention facilities in Iraq, Afghanistan, and other locations from around the world have undermined the United States' moral authority and its ability to defeat terrorism in Iraq, Afghanistan, and elsewhere. As General Petraeus, the commander of US forces in Iraq, recently wrote to all of the troops serving there: ''This fight depends on securing the population, which must understand that we—not our enemies—occupy the moral high ground.'' Torture and abuse do not produce reliable intelligence, warned the General, and they undercut one of the most effective weapons in the fight against terrorism—the support and cooperation of the local population.

Last September the Department of Defense issued a new Army Field Manual (2–22.3) on Human Intelligence Collector Operations, which rejects abusive interrogation and specifies a range of permitted interrogation techniques. Routine videotaping of interrogations can be one of the simplest and most effective means of ensuring compliance with these new rules and preventing abuse. When interrogators and guards know that their interactions with detainees are being recorded by their supervisors, they are more likely to play by the rules, and less likely to treat prisoners inhumanely. Videotaping also protects law-abiding interrogators and guards against unfair allegations of abuse. Moreover, your amendment ensures these videotapes can be classified to protect against the dissemination of information that could harm US national security.

Notably, the US Army Inspector General's July 21, 2004 report on Detainee Operations concluded: ''All facilitates conducting interrogations would benefit from routine use of video recording equipment.'' The Defense Department has failed to heed this recommendation, and it now falls to Congress to require it.

Allowing the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Human Rights, and the United National Special Rapporteur for Torture to visit detainees in Department of Defense custody—as your amendment would do—would show the world that the United States no longer has anything to hide in its detention facilities. It would also allow the United States to insist credibly that independent monitors such as the ICRC be given access to any of its soldiers or citizens when they are detained abroad. As you well know, ICRC access to captured US soldiers has saved lives and provided perhaps the only source of relief to loved ones worried about their missing relatives.

Videotaping interrogations and allowing independent monitoring of detainees in US custody are two critical steps for preventing abuse and ensuring that the actions of those who violate the law do not taint the reputation of America's armed forces at home and abroad.

Thank you for your leadership on this important issue.

Sincerely,

TOM MALINOWSKI,
Washington Advocacy Director,
JENNIFER DASKAL,
Advocacy Director, US Program.

ACLU,
Washington, DC, May 16, 2007,

Re The Holt Amendment to the Defense Department authorization bill will increase accountability for compliance with the McCain anti-torture amendment.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to support the amendment that Congressman Rush Holt will offer this afternoon during consideration of the Defense Department authorization bill. The bill would make two important—and extraordinarily practical—changes to Defense Department interrogation and detention practices. It would (i) require the videotaping of interrogations of DOD detainees and (ii) allow access to DOD detainees for top human rights offices. Both provisions would increase accountability for compliance with the McCain anti-torture amendment.

During consideration of the Defense Department authorization bill for Fiscal Year 2006, an overwhelming bipartisan majority of the House of Representatives voted to support the McCain anti-torture amendment. As passed by Congress and signed by President Bush, the McCain Amendment requires the Defense Department to comply with the Army Field Manual on Interrogations, and reinforces the long-standing ban on the use of torture or cruel, inhuman, and degrading treatment across the entire government. The McCain Amendment was an important step to returning the rule of law to the federal government's interrogation and detention policies.

The McCain Amendment, combined with an important Supreme Court case last spring and regulatory changes made by the Defense Department, has led to an improvement in the Defense Department's policies on interrogations. The Holt Amendment builds on these important developments by requiring an additional layer of accountability.

The Holt Amendment is important for two reasons:

First, it requires videotaping of all interrogations by DOD personnel and contractors. While these videotapes could be classified for the protection of national security or privacy, consistent use of videotaping will be a strong deterrent against abuse. It will provide an additional reason for interrogators to ensure that they remain in compliance with the McCain Amendment, including the Army Field Manual on Interrogations. Of course, videotaping will also have the additional benefit to Defense Department personnel of protecting against any false accusations of misconduct and it creates an improved record of intelligence for the government. This very practical provision benefits everyone during interrogations.

Second, the Holt Amendment requires access to all DOD detainees for the International Committee of the Red Cross, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture. This provision largely codifies current DOD policy on ICRC access, as modified after the Supreme Court decision on Guantanamo detainees last spring. The Defense Department policy now provides access to International Committee of the Red Cross personnel to DOD detainees. Providing access to the additional two human rights offices of the U.N. will help ensure additional accountability.

We strongly urge you to bolster accountability for compliance with the McCain anti-torture amendment, including the Army Field Manual on Interrogations by voting ''YES'' on the Holt Amendment today. Please do not hesitate to call us if you have any questions regarding this issue.

Sincerely,

CAROLINE FREDRICKSON,
Director.
CHRISTOPHER E. ANDERS,
Legislative Counsel.

Mr. Chairman, today the House has the opportunity both to strengthen existing safeguards and to improve our intelligence collection efforts during interrogations. I ask that my colleagues vote ''yes'' on this amendment to H.R. 1585.

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

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

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

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

Interrogations by military personnel are conducted under the Army Field Manual, which complies with the Detainee Treatment Act passed by this Congress. And, in essence, this amendment says, we don't trust our military to follow the law; as a matter of fact, we have to videotape them because, as a matter of law, we don't ever trust that they will comply with the law as set forth in the Army Field Manual.

And I would remind my colleagues that the military has chosen for its own reasons to use closed-circuit monitoring of interrogations at Guantanamo Bay, in part for the safety of the interrogators, but under this amendment that is not enough. Whether a military unit at Guantanamo or elsewhere chooses to use videotaping or closed-circuit monitoring is not enough under this amendment because we don't trust the military anywhere to conduct interrogations under the law pursuant to this amendment.

I would say, secondly, the military has told us that this amendment would materially interfere with DOD operations, and I heard clearly what the distinguished chairman of the committee and the gentleman from New Jersey said; they said, this is good police work. But I would remind them that our military are not policemen and that our military, in operations all over the world, facing very dangerous terrorists in all sorts of conditions, should have to comply with all of the same standards that a policeman in Missouri or New Jersey or elsewhere ought to have to comply with. This amendment forces upon them a legalistic, bureaucratic regulation on the very people we are counting on most to keep us safe from the most dangerous terrorists.

Mr. Chairman, I would also say that this amendment specifically says that the videotapes have to be given to the prosecution and defense in any civilian or military proceedings. Now, we have

already had trouble in this country in having sensitive information from interrogations that has been presented to the parties leak out and get back to people we don't want it to get to. But I would suggest that this amendment runs an unreasonable risk of having sensitive national security information get back to the very terrorist networks that we are fighting, and the military are going to be faced with a choice of either allowing that to happen or not conducting the interrogations at all, which means we don't get the information.

Everyone from George Tenet to the current leadership of our national security organizations say the most valuable information we have gotten since 9/11 to prevent terrorist attacks has come from detainee interrogations. This amendment makes it harder, if not impossible, to get that information. This amendment says we don't trust the troops to follow the law and it will interfere with military operations. I would suggest that it would be a mistake and increase the dangers to this country and should be rejected.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

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

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

It is now in order to consider amendment No. 43 printed in House Report 110–151.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 4, 19, 28, 34, 35, 40 and 42 printed in House Report 110–151 offered by Mr. SKELTON:

AMENDMENT NO. 4 OFFERED BY MR. REYES

The text of the amendment is as follows:

At the end of subtitle C of title X, add the following new section:

SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

Subsection (b) 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) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

''(17) The Government of Mexico.

''(18) The Government of the Dominican Republic.''.

AMENDMENT NO. 19 OFFERED BY MR. SCOTT OF VIRGINIA

The text of the amendment is as follows:

Title II, add at the end the following:

SEC. 2___. MODELING, ANALYSIS, AND SIMULATION OF MILITARY AND NON-MILITARY OPERATIONS IN COMPLEX URBAN ENVIRONMENTS.

Congress finds the following:

(1) Modeling, Analysis, and Simulation Technology has become an essential component in ensuring that we meet the defense challenges of the 21st century. It allows us to build and develop models of complex systems, effectively sharpen the tools, procedures, and decisions needed to address difficult problems, and determine how certain actions will effect the end result before implementing the plan in real life, thereby providing strategic, tactical and financial benefits. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense.

(2) Current and future military operations, and emergency management of natural and man-made disasters, do and will continue to involve operations in highly complex, urban environments. These environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. It is important for the security and safety of the Department of Defense to study and understand the effects of warfare and disasters on the resiliency of urban environments and to develop a computer modeling and simulation decision-making tool for emergency consequence management of military, natural and man-made disasters in complex urban environments.

AMENDMENT NO. 28 OFFERED BY MR. ALLEN

The text of the amendment is as follows:

At the end of title VII, add the following new section (and conform the table of contents accordingly):

SEC. 713. REPORT AND STUDY ON MULTIPLE VACCINATIONS OF MEMBERS OF THE ARMED FORCES.

(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 Committees on Armed Services of the Senate and the House of Representatives a report on the Department's policies for administering and evaluating the vaccination of members of the Armed Forces.

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

(1) An assessment of the Department's policies governing the administration of multiple vaccinations in a 24-hour period, including the procedures providing for a full review of an individual's medical history prior to the administration of multiple vaccinations, and whether such policies and procedures differ for members of the Armed Forces on active duty and members of reserve components.

(2) An assessment of how the Department's policies on multiple vaccinations in a 24-hour period conform to current regulations of the Food and Drug Administration and research performed or being performed by the Centers for Disease Control, other non-military Federal agencies, and non-federal institutions on multiple vaccinations in a 24-hour period.

(3) An assessment of the Department's procedures for initiating investigations of deaths of members of the Armed Forces in which vaccinations may have played a role, including whether such investigations can be requested by family members of the deceased individuals.

(4) The number of deaths of members of the Armed Forces since January 1, 2000, that the Department has investigated for the potential role of vaccine administration, including both the number of deaths investigated that was alleged to have involved more than one vaccine administered in a given 24-hour period and the number of deaths investigated that was determined to have involved more than one vaccine administered in a given 24-hour period.

(5) An assessment of the procedures for providing the Adjutants General of the various States and territories with up-to-date information on the effectiveness and potential allergic reactions and side effects of vaccines required to be taken by National Guard members.

(6) An assessment of whether procedures are in place to provide that the Adjutants General of the various States and territories retain updated medical records of each National Guard member called up for active duty.

(c) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study, in consultation with the Food and Drug Administration and the Centers for Disease Control, examining the safety and efficacy of administering multiple vaccinations within a 24-hour period to members of the Armed Forces.

(2) DEADLINE.—The study required by paragraph (1) shall be completed not later than 270 days after the date of the enactment of this Act and shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 34 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section (and conform the table of contents, accordingly):

SEC. 1055. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. TERRY

The text of the amendment is as follows:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR X LAB BATTLESPACE LABORATORY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $10,000,000, to be available for the X Lab battlespace laboratory, program element 0603175C.

(b) OFFSET.—The amount in section 201(2), research, development, test, and evaluation,

Navy, is hereby reduced by $10,000,000, to be derived from Littoral Combat System Mission Modules.

AMENDMENT NO. 40 OFFERED BY MR. MATHESON

The text of the amendment is as follows:

At the end of title XXXIV, add the following new section:

SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING SITE.

Section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 7420 note) by adding at the end the following new paragraph:

''(6) Not later than October 1, 2019, the Secretary of Energy shall complete remediation at the Moab site and removal of the tailings to the Crescent Junction site in Utah.''.

AMENDMENT NO. 42 OFFERED BY MR. MCCOTTER

The text of the amendment is as follows:

At the end of subtitle D of title X, insert the following new section:

SEC. 1034. REVIEW OF DEPARTMENT OF DEFENSE PROCEDURES TO CLASSIFY EXCESS DEFENSE ARTICLES AND DEFENSE SERVICES WITH MILITARY TECHNOLOGY COMPONENTS.

(a) REVIEW REQUIRED.—The Secretary of Defense, with the concurrence of the Secretary of State, shall conduct a thorough review of the procedures by which the Department of Defense classifies defense articles and defense services with military technology components as excess to the needs of the Department to identify the extent to which, and the manner in which, existing classification procedures have failed to prevent the transfer of defense articles and defense services with military technology components to terrorists, state sponsors of terrorism, and other unfriendly countries or groups.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to Congress a report that contains—

(1) the results of the review of the existing classification procedures conducted under subsection (a); and

(2) the measures to be implemented by the Department of Defense to rectify the deficiencies of the existing classification procedures, including recommendations for any legislative changes that may be necessary to implement the measures.

(c) DEFINITION.—As used in this section, the term ''defense articles and defense services with military technology components'' means those defense articles and defense services designated by the President pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), commonly known as the United States Munitions List.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, as part of this group of en bloc amendments, it includes an amendment I have offered. It has to do with the uranium tailings pile on the banks of the Colorado River in Moab, Utah.

Now, that may sound like an interesting issue to have in a Defense authorization bill. It is not the first time it has been in a Defense authorization bill. The last time we dealt with this was when Congress was in session in the year 2000, and at that time Congress directed the Department urging them to move this uranium tailings pile.

Make no mistake. This is right on the banks of a major river, and the environmental impact statement that looked at this pile indicated that it is a near certainty that at some point, if it is not moved, it is going to be flushed into the river. And there are 25 million users living downstream of this site.

Now, this mill tailings site was part of our military efforts in the 1950s and 1960s when it came to our nuclear weapons efforts, and quite frankly, while Congress has voiced in the past on this very bill 7 years ago that it should be moved, the Department of Energy has exhibited tremendous inaction. They have not provided information for why there has been a delay. They have completed a longstanding environmental impact statement that resulted in a record of a decision saying they wanted to move it. In that, they said it could be done in 7 to 10 years.

□ 2215

And yet, the Secretary of Energy said just this year it's not going to be until 2028 when this moves. This is an agency that has consistently underperformed, underpromised, has not answered questions about the progress of this project, and that's why I offer this amendment today, so that once again Congress can make its will known, as it has done in the past, in indicating that this pile ought to be moved.

I thank the chairman of the committee, Mr. SKELTON, for his cooperation on this issue.

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

Mr. HUNTER. Mr. Chairman, I would like to yield as much time as he might like to Mr. MCCOTTER.

Mr. MCCOTTER. My amendment that I've offered is very simple and straightforward. It requests that the Secretary of Defense, in concurrence with the Secretary of State, issue to Congress a review of declassification procedures that are in place to guarantee that materiel does not fall into the hands of terrorists, does not fall into the hands of state sponsors of terrorists, does not fall into the hands of groups hostile to the United States, or any similar reprobates in general. By classification procedures I mean Defense Reutilization and Marketing Service procedures to classify something as excess and also as eligible for sale. We believe this should not engender any opposition. We have worked very well with the majority staff of both the committee in question, and the Foreign Affairs Committee.

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

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous consent request.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Missouri for yielding, and I thank him for including my amendment in the en bloc amendment.

Mr. Chairman, the defense authorization bill is a tremendous undertaking and I would like to commend Chairman SKELTON and his Committee for their hard work. My amendment would simply insert findings that Modeling, Analysis and Simulation Technology is an important tool that ought to be utilized to the utmost by the Department of Defense.

Modeling and Simulation has become an essential component in ensuring that we meet both the defense and domestic challenges of the 21st century. It allows us to build and develop models of complex systems—whether it be a car, an airplane, an entire battlefield, or even a major city's evacuation plan. By doing this, we can easily and effectively sharpen the tools, procedures, and decisions needed to address difficult and complex problems. Determining how certain actions will affect the end result before implementing the plan in real life provides strategic, tactical and financial benefits. These simulations help us develop better and practical analogies of real world situations.

With the growing international challenges of the 21st century, this technology is vital to the defense of our great Nation. The practical uses of Modeling, Analysis and Simulation technology as a training tool are boundless. Military and airline pilots have been using this technology for decades. Now, simulating battlefield conditions will sharpen the skills of the brave men and women serving in our armed forces. And it is my firm belief that Congress should be interested in using this technology for defense, homeland security, disaster preparedness, and other ways to benefit the public. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense. This amendment is a step in that direction.

The power of modeling, analysis and simulation technology can be particularly useful in urban areas. The fact is that current and future military operations, and emergency management of natural and manmade disasters, do and will continue to involve operations in highly complex, urban environments; we are no longer engaging in traditional battlefield operations. These urban environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. This will help us prepare for emergency consequence management of military, natural and manmade disasters in complex urban environments.

Using modeling, analysis, and simulation technology in the fields of national defense, science, homeland security and disaster planning will better the lives of all Americans, make our Nation safer and save time and

money in the process. I urge my colleagues to adopt the amendment.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Virginia.

At this time, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY) for the purpose of a colloquy.

Ms. HOOLEY. Mr. Chairman, I thank you and Chairman ORTIZ for including my bill providing for reimbursement for superior helmet liners to protect soldiers with severe head injuries and for adjusting the testing criteria for helmet pad systems.

Thankfully, this bill calls for another round of testing and evaluation on all qualified combat helmet pad systems to be conducted by an independent test laboratory outside the government. I just want to thank you for doing that, for again protecting our soldiers.

I rise today to ask for your help to expand the reintegration programs for members of the National Guard included in this year's National Defense Authorization Act.

In Oregon, our Adjutant General has put together a program that helps to ease returning Guard members through the transition back to civilian life. The Yellow Ribbon National Guard Reintegration Program provides for 5 days of reintegration activities after demobilization. I would ask that the program be expanded to keep returning servicemembers on active duty for up to 15 days after demobilization. Not all need or want the full 15 days, but commanders should have the flexibility to provide extra time to those who need it.

Mr. SKELTON. I thank the gentlewoman for raising this important issue. I assure her that we will make sure that the Reserve Component Reintegration Working Group as well as the Yellow Ribbon National Guard Reintegration Program consider all options to include expanding the current program from 5 to 15 days during their deliberations.

Ms. HOOLEY. I also want to thank the Chair for including report language that acknowledges the success of the Oregon National Guard Reintegration Program. I believe that the program can be a model for other States developing their own programs.

Mr. SKELTON. I certainly agree. And we look forward to the findings of the Reserve Component Reintegration Working Group and the Yellow Ribbon National Guard Reintegration Program.

Ms. HOOLEY. I thank you, Mr. Chair, for all that you do for our soldiers.

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

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ANDREWS:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

''(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

''(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

''(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

''(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

''(3) The imposition of the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025 and the requirement to establish annual incremental goals under paragraph (2) does not authorize the Secretary of a military department or a Defense agency to use energy saving performance contracts, enhanced used leases, utility energy service contracts, utilities revitalization authority, and related contractual mechanisms to a greater extent than would be the case in the absence of the 25-percent requirement.

''(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

''(A) determines that the waiver is in the best interests of the Department of Defense; and

''(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

''(5) In this subsection, the term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have a modification to my amendment at the desk, and I ask unanimous consent that my amendment be considered in accordance with the modification.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Mr. ANDREWS:

The amendment as modified is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

''(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

''(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

''(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

''(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

''(3) The Secretary of Defense, the Secretary of a military department, or a Defense agency may not use any means of third-party financing, including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, or other related contractual mechanisms, to achieve the 25-percent requirement specified in paragraph (1)(A). Renewable energy produced through any means of third-party financing will not count towards the achievement of the 25-percent requirement.

''(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

''(A) determines that the waiver is in the best interests of the Department of Defense; and

''(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

''(5) In this subsection:

''(A) The term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

''(B) The term 'energy savings performance contract' has the meaning given that term in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c).

''(C) The term 'enhanced use lease' means a lease under section 2667 of this title.

''(D) The term 'utility energy service contract' means a contract under section 2913 of this title.

''(E) The term 'utility privatization authority' means the authority provided under section 2668 of this title.''.

Mr. ANDREWS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

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

One of the key determinants of the country's economic prosperity in the future and our ability to become less dependent upon imported fuel from around the world is our ability to develop alternative renewable fuels.

One of the most powerful tools at our disposal is the purchasing power of the Department of Defense. Presently, the Department of Defense spends in excess of $3 billion a year to buy electricity.

The purpose of this amendment is to codify a practice that the Secretary of Defense has already initiated, which is to increase the percentage of electricity purchased by the Department of Defense from the 9 percent, which it presently is, up to 25 percent by the year 2025. In order to do this, we believe that the Secretary of Defense should have flexibility. So the amendment provides that if the Secretary in his or her judgment believes that defense and security goals of the country would be in some way impaired by meeting this target, then the Secretary is authorized to waive this target.

We believe that with the adoption of this amendment and of these goals, we would generate a $15 billion market in the purchase of electricity generated by renewable fuels. We further believe that the entrepreneurial capacity of American scientists and entrepreneurs would generate products that would help fill this need. Once those products are available, they would then be widely available to the commercial and nonprofit and public sectors to help us greatly reduce our dependence upon nonrenewable fuels generally, and imported nonrenewable fuels specifically.

I would ask that the amendment be adopted.

Mr. Chairman, at this point in time I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I am not opposed, but I would like to take the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. I just want to say to my friend that I certainly share his goal of renewable energies being used in the Department of Defense. And I have a colloquy I would like to enter into with the gentleman because I know he had to go to some lengths to be able to make sure that his amendment was in order under our rules, particularly our offset rules.

At this time, I would like to ask my friend from New Jersey to clarify part of his amendment that I have found troubling. And that is, Mr. ANDREWS, if I understand your amendment correctly, the Secretary of Defense would be prohibited from using third-party financing options, such as energy saving performance contracts, known as ESPCs, and enhanced use leases, EULs, in meeting your requirement for them to purchase 25 percent of their electricity from renewable resources by 2025; is that correct?

Mr. ANDREWS. If the gentleman would yield.

Mr. HUNTER. I will yield.

Mr. ANDREWS. That is correct. The amendment, as I would have wanted it drafted, would not have had that restriction in it. However, I was required to include it to avoid a point of order for direct spending.

Mr. HUNTER. So if I understand you correctly, it is not your intent to limit the Department's use of third-party financing while they work to achieve the 25 percent requirement that your amendment lays out.

Mr. ANDREWS. If the gentleman will further yield, that is certainly correct.

I know just how beneficial these authorities are to the Department, and I do not want my amendment to prevent the Secretary of Defense from using these tools to continue to improve energy efficiency and renewable energy use in the Department of Defense. My intent is simply to set firm requirements from what I believe is a responsible energy policy for the Department of Defense.

Mr. HUNTER. With that clarification, would you be willing to work with us to further refine this as we move to conference?

Mr. ANDREWS. If the gentleman would yield, I would gladly work with the gentleman.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I would like to turn now to the gentleman who is going to make all of this work, and that is the chairman of the committee, my good friend, Mr. SKELTON.

I happily support Mr. Andrews' amendment. And I hope that you will work with us here as we move down the line toward conference to ensure that these tools that have been available for increasing efficiency and energy use will be available under Mr. Andrews' amendment.

I would yield to the chairman of the committee.

Mr. SKELTON. I thank my friend for yielding. And without going into great detail, I am appreciative of the fact that Mr. ANDREWS and you, Mr. HUNTER, have worked hard on achieving a balanced solution to this amendment as it is in final form here this evening. I think it's very commendable, and I am very much in favor of it. I thank Mr. ANDREWS for raising it, and I thank you, Mr. HUNTER.

Mr. HUNTER. Thank you. Mr. Chairman, I very strongly support this amendment.

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

Mr. ANDREWS. Mr. Chairman, just very briefly. I want to thank the ranking member of the committee for his great cooperation on this, and obviously our chairman for his help, and extraordinarily fine staff work by the majority staff and the minority staff for which I am very grateful, and also the men and women at the CBO, and my own office, Mr. Luke Ballman, for his hard work on this.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–151.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 122(a), strike ''enter into multiyear contracts, beginning with the fiscal year 2008 program year'' and insert ''enter into a multiyear contract, beginning with the fiscal year 2009 program year''.

In section 301(10), strike the dollar amount and insert ''$5,847,609,000''.

In section 301(11), strike the dollar amount and insert ''$5,042,565,000''.

In section 576, strike subsection (i) and insert the following new subsection:

(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) for Defense-wide activities, $3,000,000 shall be available for deposit in the Fund for fiscal year 2008.

In section 944(b)(2) (page 444, lines 13 and 14), strike ''Under Secretary of Defense (Comptroller)'' and insert ''Director of the Office of Program Analysis and Evaluation''.

In title XIII, add at the end the following new section:

SEC. 1307. CLARIFICATION OF AMOUNTS FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

The amount in section 1302(a)(9), and the corresponding amounts in section 1302(a) (in the matter preceding paragraph (1)) and in section 301(19), are hereby increased by $48,000, all of which is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives.

In section 1508, add at the end the following new paragraph:

(11) For the Strategic Readiness Fund, $1,000,000,000.

Redesignate section 1517 as section 1518 and insert after section 1516 the following new section (and conform the table of contents accordingly):

SEC. 1517. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 to the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of $50,000,000.

In section 2104(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$5,133,817,000''.

In section 2104(a)(1), strike the dollar amount and insert ''$3,089,400,000''.

In section 2204(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$2,757,249,000''.

In section 2204(a)(1), strike the dollar amount and insert ''$1,496,532,000''.

In section 2204(a)(2), strike the dollar amount and insert ''$293,858,000''.

In section 2304(a)(1), strike the dollar amount and insert ''$710,173,000''.

In section 2404(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$10,253,464,000''.

In section 2404(a)(1), strike the dollar amount and insert ''$898,483,000''.

Title XXXI, subtitle A, add at the end the following new section:

SEC. 3105. OTHER ATOMIC ENERGY DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for energy security and assurance programs necessary for national security in the amount of $6,000,000.

Make the following technical amendments:

(1) Page 302, lines 13 to 20, move the margins 2 ems to the right.

(2) Page 332, line 20, insert ''in'' before ''subparagraph (B)''.

(3) Page 478, lines 12 to 15, move the margins 2 ems to the right.

(4) Page 513, line 22, strike ''(I)'' and insert ''(i)''.

(5) Page 514, line 20, strike ''(I)'' and insert ''(i)''.

(6) Page 623, line 19, strike the period and insert a semicolon.

(7) Page 669, line 16, strike ''(I)'' and insert ''(i)''.

(8) Page 734, line 10, strike ''redesignation'' and insert ''redesignating''.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, my manager's amendment which is before us this moment makes a series of technical and conforming changes, all of which have been set forth for the Members throughout the day, and I ask all the Members to support it.

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

Mr. HUNTER. Mr. Chairman, I just want to thank my chairman, Mr. SKELTON, the gentleman from Missouri, for such a wonderful job on this bill. We are totally in agreement with the manager's amendment and support it.

Mr. SKELTON. I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania, my friend (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman.

Mr. Chairman, I rise today to ask for your help in this colloquy to identify an alternative that will allow the commissary and exchange stores to remain open at the Army's Charles E. Kelly support facility in Oakdale, Pennsylvania.

Although this installation will close as a result of the base realignment and closure process, there will remain a strong demand for these stores that are so critical to the vitality and welfare of any military community.

In the case of the Kelly support facility, the population of activity duty, reservists and retirees in western Pennsylvania, and the adjacent areas of Ohio and West Virginia, is estimated to be nearly 70,000, with another 100,000 family members. I would hope that a way can be found to project this critical benefit for these great Americans who have faithfully served our Nation.

Mr. Chairman, I yield to the gentleman for a response.

Mr. SKELTON. I thank the gentleman for raising this very important issue. I assure the gentleman from Pennsylvania that I will assist him in pursuing new options for protecting these important benefits at the Kelly support facility.

□ 2230

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I also want to thank the gentleman for including report language including the development of a new model for a combined commissary and exchange store. I believe a new strategy for combining these stores can be a valuable tool in protecting these benefits.

Mr. SKELTON. Mr. Chairman, I agree. A combined commissary and exchange store may be the key to the future military resale activities at installations such as at the Kelly Support Facility.

Mr. TIM MURPHY of Pennsylvania. Finally, Mr. Chairman, I thank you for your support. I would also like to thank Chairman MURTHA for his help and commitment and my Pittsburgh colleague and friend, MIKE DOYLE, and also Mr. ALTMIRE for help on this project. I am pleased to be working with all of my colleagues on this important issue and look forward to continuing our work together.

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

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–151.

Mr. SKELTON. Mr. Chairman, at this time, we are nearing the end of all the debate. We have finished all the amendments.

Mr. Chairman, my heart is filled with gratitude for the other Members, for our ranking member, Mr. HUNTER, and to our amazing staff. The American people should know what a wonderful staff we have in putting together this defense bill. So many of them have stayed up late at night, early in the morning, all night long to write and make sure that we have the t's crossed and the i's dotted, to make sure that the young men and young women, as well as those who lead the young men and young women, have the tools with which to keep our country safe and, of course, free. We have a great deal of gratitude for all of them, and I just can't thank them enough.

Mr. Chairman, I yield to my friend from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding. I just want to join with our chairman, IKE SKELTON, in thanking all of our staff, who have done a wonderful job in bringing together hundreds of issues at the subcommittee level, at the full committee level, and now on the House floor, and in these difficult times.

In these partisan times, when we all have to wear our partisan hat at times, this committee, which I think is the most bipartisan committee in the House of Representatives, has done a good job. We have provided good tools, good equipment, good resources for the people that wear the uniform of the United States, and a lot of that should be credited to our chairman, the gentleman from Missouri, Mr. SKELTON.

Many thanks, IKE, for your great work on this bill. I am sure we will have a great vote on it tomorrow, after we present you with an irresistible motion to recommit. I look forward to closing out the bill with you tomorrow. I know you will drive it successfully through the conference.

Thank you for everything that you have done in stitching this thing together. It is important for our troops, and I think we have done a pretty effective job today of moving it down the line. Many thanks.

Mr. SKELTON. Mr. Chairman, I am grateful for the gentleman's comments and grateful for his work.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BRALEY of Iowa) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1585.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE THELMA DRAKE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable THELMA DRAKE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2007.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that a judicial subpoena for documents, issued by the U.S. District Court for the Eastern District of Virginia, has been delivered to my Virginia Beach, Virginia District Office.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

THELMA DRAKE.

POST-TRAUMATIC STRESS CENTERS NEEDED IN UNDERSERVED AREAS

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

Ms. JACKSON-LEE of Texas. Let me take the opportunity, Mr. Speaker, to acknowledge the crisis that many of us see occurring with the brave men and women that return from fighting in Iraq and fighting in Afghanistan.

We have just finished a very thoughtful and collaborative effort to address the serious questions of our military and the Department of Defense, and the good news is that this bill has impacted or emphasized more on the needs of families.

I look forward to working with this body to develop more post-traumatic stress centers in underserved areas where military personnel will be returning to their homes. We already know the dastardly conditions that our military face in Iraq and Afghanistan, the long hours and tediousness of the DMZ and many other places around the world.

Our military personnel are suffering, and I look forward to working with this committee, the Veterans Affairs Committee, to ensure that centers like the Riverside Medical Center in Houston, Texas, can be a site for post-traumatic stress for our soldiers returning home so that their physical needs and their mental needs can be serviced. I look forward to this.

I believe we can do better by our soldiers as we move forward on helping them improve their mental health.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING SOUTHWEST AIRLINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to commend Southwest Airlines and their 30 years of service to the Permian Basin. For the past three decades, Southwest Airlines has provided friendly and affordable air services in and out of Midland International Airport. With over 13 daily departures to six cities in three States, the people of the Permian Basin are free to move about the country.

On my many flights on Southwest Airlines, I am always struck by the friendly, good natured flight attendants, agents and pilots that make up the employees of this airline. There is an unmistakable sense of pride that comes with working with Southwest that can be seen in the faces of the pilots to the ground crew.

I am honored to represent the many employees of Southwest Airlines that are headquartered at Midland International Airport and look forward to 30 more years of friendly and accommodating service.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

OPPOSE THE SECOND CHANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, as always, it is such an honor to be part of this body when you know the sacrifices that have been made by so many just to allow us to be here at this time in history.

There is a defense bill that we will be talking about some in the next 60 minutes, but in leading up to that, I wanted to address a bill that was on the suspension calendar earlier this week and was pulled from the suspension calendar, and I have been told it probably will be coming up very soon.

Like so many things that have been done in this body that has unintended consequences, the Second Chance Act is very well intentioned. As a former judge, I know well that we have got to do a better job of rehabilitating, of educating, with drug treatment and alcohol treatment for those that are incarcerated in our prisons. There is just no question that we should do a better job with those things.

Unfortunately, this well-meaning bill, the Second Chance Act, goes so far beyond what is helpful. This bill will provide more benefits to felons than are available to those risking their lives in the service of our United States military.

For example, this bill apparently will provide over $360 million. I say apparently will provide over that amount, because one provision says ''such sums as may be necessary.'' There is no way to know how much money that may be. But, in any event, this bill, for example, seems to leave medical care potentially unending after confinement.

I realize as a Republican I was in the minority in our Judiciary Committee hearing, so I attempted to limit the medical care to 6 months after a criminal was released from prison for the extent of the medical care. That was voted down by the majority, who believed that we should leave it open-ended.

I was in the United States Army for 4 years, and I can tell you that unless you retire with over 20 years of active military service or you are disabled as a result of your military service, you have no medical care waiting for you at the end of your service. That means if a military member who serves less than 20 years wants a chance at free medical, he will need to commit a serious enough crime to get him locked up.

When a military member is sent to serve on one of the many unaccompanied tours of duty, his family suffers greatly, particularly if this is a Reservist or a National Guard member. However, under this Second Chance Act, which is really more of an ''Infinite Chance Act,'' we will provide taxpayer dollars to help with transportation for an inmate's family to get to and from the prison. Grant dollars are there for that.

□ 2245

If you are in the military on an unaccompanied tour and you would like to have your children nearby, you are out of luck. However, if you are a confined felon, under this bill there will be tax dollars in the way of grants to pay for nurseries or preschools at the prison so you can have your children close to you.

If you are a U.S. servicemember away from home and long to provide your family or your children the technology to ease the distance between you and to ease the loneliness, you either must reach into your small amount of pay, or you could commit a felony and get locked up because there are millions of dollars in this Second Chance bill for grants for technology or tapes or DVD or players, even cell phones, things that help bridge the distance.

A criminal may have broken into your home and stolen or destroyed your property, but under the Second Chance Act, we are going to take some more of your tax dollars to help provide criminals or their families with this type of technology.

Law enforcement in this country get paid very little compared to the protection they afford us, and they do not get the government to buy such things for their families, but the criminals they lock up under this Democratic majority bill will have this as a bonus.

If you are in the military and you want plastic surgery to make you look better, normally you are out of luck for elective surgery. But when I tried to limit this legislation in the Judiciary Committee to prevent tax dollars from being spent for things like rhinoplasty, a nose job, liposuction, breast augmentation, even that amendment was voted down by the majority.

Now, if you are a law-abiding citizen and you do not like your field of employment, you have to scrape together enough money to also go to school or be retrained in order to find another job. Not so under this bill if you commit a heinous crime. If you go to prison, there is grant money in this bill, not merely to train you in prison; but after you get out, there is grant money. We can retrain you every time you want to change jobs. We can pay grant money to agencies to find you new jobs.

This is a well-intentioned bill, just as the legislation in the 1960s that decided to do something to help mothers, single mothers, unwed mothers who were having children and having to deal with deadbeat fathers. So back in the 1960s, the decision was made, best intentioned, we want to help these single moms so we are going to start as a Federal Government paying for every child you can have out of wedlock. It was well-intentioned, but 40 years later we have gotten exactly what we have paid for.

As a broken-hearted judge, I had to sentence women who said they were encouraged to have a baby in order to start getting a government check. So they dropped out of school, had a baby, and then tried to live off the relatively small income they were paid from the government to have babies out of wedlock. And they told me that started their decline into desperation that ultimately led them to my courtroom, either for welfare fraud when they got so desperate they realized they needed to get a job but they couldn't give up their child support from the government, so they didn't report it and then they came to me for welfare fraud. Or some others would realize in desperation they couldn't live on the small amount that the government paid them to have children out of wedlock, so they got into the terrible drug trade and that brought them to my court.

I came to Congress deeply desiring to avoid creating benefits for doing something that hurts you. Yet here we are again taking this same kind of well-meaning perilous road.

The bill is well-intended, but when Congress creates more benefits for creating serious crimes than for risking life and limb in the United States military, guess which one you will have more of 40 years from now?

There are a number of groups who support the Second Chance Act. They have big hearts. They mean well. They want to help criminals turn their lives around; but they don't realize the full parameters of this bill.

So we are going to talk a bit tonight about the military, but I wanted to start off and touch on this since it is a bill that provides more benefits for those who commit serious enough crimes to be locked up than we are currently providing for our United States servicemembers in a number of areas, and so I think it needs a second look. I am hopeful that we will be able to do that. I don't know when it comes up if we will be able to make amendments. I certainly hope that the procedures that have been followed so far this year that make this the most partisan Congress in history, there was a rule that was attempted to be changed today that has not been changed since 1822. That would have made it an even more partisan Congress since 1822.

So I am glad after a procedural stand taken by the minority that we were able to get that worked out at least for the next couple of weeks and we will be able to have some limited participation. I hope we will be able to have participation in this bill.

I see that my colleague and dear friend, the gentlewoman from Tennessee (Mrs. BLACKBURN) is here, another former judge, a recovering judge as he likes to say, the gentleman from Texas (Mr. CARTER) is also here. At this time I yield to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my good friend and fellow judge from Texas.

I would like to ask a couple of questions. This Second Chance Act is a very new concept in criminal justice from my viewpoint. When you point out that we are actually going to create a series of benefits for people who have committed felony crimes that are not available to the average American citizen, not even available to those people who stand in harm's way and stand on the wall to protect our Nation every night from harm, and yet they are going to be available to people who commit acts, felony acts, punishable by long terms in the penitentiary.

I want to get clear exactly this Second Chance Act and these benefits, almost entitlements that are being created by this bill, does that pertain to only people who are incarcerated in Federal penitentiaries or does it expand to the States and localities?

Mr. GOHMERT. I appreciate the question, and the answer is that this is such a big-hearted bill from the majority that it will be able to provide grants to people in Federal prisons, after they are released from Federal prison, people in State prisons, people in county jails.

We are going to make this program, and this is just a start. This $360 million really is just seed money to see how many we can help with that and then take off after that. This is just the beginning. But the answer is it will be for anyone who commits a serious enough offense or alleged offense to get themselves locked up wherever they get locked up in the United States.

Mr. CARTER. I apologize to my colleague, Mr. GOHMERT. I didn't hear all of the benefits because I came in on the tail-end, but you and I have talked about this briefly. But this training and finding jobs benefit, would that include being able to get a grant to say attend the University of Texas or your beloved Texas A&M University?

Mr. GOHMERT. It will provide training education grants. It is open-ended enough, that is a possibility, yes.

Mr. CARTER. So you could apply for a grant to attend the college or university of your choice?

Mr. GOHMERT. There are organizations that could apply for the grants to assist in that education, yes.

Mr. CARTER. I think you will agree with me at least in the Texas prison system, an ambitious prisoner who is trying to turn his life around can get a bachelor's degree, can also get a master's degree, and I suppose if he stayed in prison long enough, he can get a doctor's degree. One school that has correspondence courses is the University of Maryland, which is not far from here, and a prisoner in the Texas prison system can get the degree of his choice if he is willing to work hard enough there.

I happen to know in the Texas prison system one of the most sought-after jobs, and I point out jobs where you work for the skill, is in the print shop with very high tech print training. And most of the people who finish that training, and I have actually had prisoners that I have sent to prison who have asked not to be paroled until they have completed their term of working in the print shop because after they have done their print apprenticeship, they could get jobs coming straight out of prison at $60,000 to $75,000 a year as a master printer. It is not like we are not offering an opportunity to work your way to success in prison today; would you agree with that?

Mr. GOHMERT. Yes, that is absolutely true. But another dimension that is added to this is the fact that it can go on beyond your incarceration.

You and I both agree that when it comes to retraining and education and drug and alcohol treatment, we really do need to do a better job of that in prisons. But this goes even beyond that, and there is no end in sight. Like I said, I tried to end some of these benefits at 6 months after release. One of our colleagues on the other side of the aisle asked me what was so magic about 6 months after release from prison. I said there was nothing magic

about it. I think the training and education should end when you are released, but since I am a Republican and I am in the minority, I knew that they didn't want to end it the day you got out of prison. I was hopeful they would be willing to stop spending tax dollars for criminals who had been incarcerated at least 6 months after they are released. Unfortunately, they voted that down. At this point it is open end. As you are aware, we have never continued to provide benefits to convicted felons after they get out of prison.

Mr. CARTER. Right now you are talking about $350 million. If this program continues the way most programs that we breathe life into in Congress, then it will continue to grow like mushrooms after a rain, and at some point in time, this theoretically could go on forever in the life of a prisoner. But did you say they are also being guaranteed medical benefits?

Mr. GOHMERT. It is not a guarantee, but it is the provision that there are grants available to provide medical care, open-ended medical care. I tried to limit it to 6 months after prison. It should be limited to the day they walk out.

I tried to limit it to no plastic surgery in prison. They didn't do that. So, yes. You can continue to apply for medical care.

Mr. CARTER. So if I understand what you are talking about here, we have people in the United States today that work 10 or 12-hour days, some of them 6 days a week, and they are struggling to pay their own medical bills and pay for health care insurance. They are asking us, crying out to us for help on paying their medical bills.

So there is an easy solution to their problem. Under this bill, quickly get a handgun and commit a felony. You serve a little time, and you are back out with the ability to get grants to pay for your medical bills.

It reminds me of stories that we have heard and experienced of the guy who just before Christmas throws a brick through a window so he can spend a warm night and have Christmas dinner in the county jail. There are people who do that. You know that happens and I know that happens. But is that what we want? Are we saying that the good-heartedness of the American people, and I think there are good-hearted people that are behind thing.

□ 2300

I don't think they have thought it out, and I am not for punishing criminals. I'm for giving them a start, but what do we owe to the people who have violated the laws of our society? I think we owe them a fair chance, but I don't think we owe them an open-ended chance for the rest of perpetuity.

Mr. GOHMERT. You make a great point about this being just the start, the well over $360 million, but I love Ronald Reagan's old quote about, beginning a government program is the closest thing to eternal life on earth that we. Have and so if Reagan was right about that, just beginning a program like this means as long as there's a United States, it's probably going to have a life.

Mr. CARTER. I think they told us that that $25 million was all food stamps was ever going to cost us. I don't even know what the number is, the billions of dollars that we are into that now. These programs do tend to have a life of their own.

I thank you for raising this issue. I think this issue is important for the Members of Congress and for America to know that we are, unfortunately, starting down the road of, in my opinion, the possibility of awarding illegal behavior. It concerns me greatly, and I thank you for raising this issue.

Mr. GOHMERT. I thank the gentleman from Texas, dear friend, and with regard to this bill, it is well-intentioned. They mean well, and I believe they believe the things they said.

And it takes me back to the arguments in this House, on the floor of this House, back in 1935, 1936, when something called Social Security was being created. And I am informed that debate came up regarding this new creation called a Social Security number, and some were upset and they said they were very concerned that that might end up becoming a national identification number. There were people who promised and assured and said there's no way that will ever happen; the Social Security number will be only used to just number the account, it will never be an identification. We can assure you that will never be, that situation, which is kind of like somebody from the government showing up at the door and saying I'm here to help you. You just get really concerned that that's not the case.

But I see our friend from Tennessee (Mrs. BLACKBURN) at the mike. I would yield to Mrs. BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for yielding, and I am so pleased to be joined by three gentlemen from Texas, if you will, two judges and a physician. And we are all part of the Republican Study Committee and are certainly committed to carrying forth the conservative values that we appreciate here in this House.

Mr. Speaker, I have enjoyed hearing the conversation and listening to the conversation and discussion between my two colleagues as they have talked about this law that is a fairness issue, and I think so many people do look at it and say, my goodness, $350 million for those that are in prison, and as the gentleman said, rewarding illegal behavior.

And that is something that people are very sensitive to right now, especially in light of the impact that illegal immigration has made on so many of our communities, the cost to those communities and the concern with our citizens that there are some here in this body that would like to consider amnesty and reward those that have broken the rule of law.

I also enjoyed the conversation about health care and that being provided to those that have been imprisoned. I've been visiting with my Realtors from Tennessee, yesterday and today. They've been on the Hill. The number one issue for them is small business health plans and access to affordable health care. And these are people that really do such a great job in working to improve the quality of life and work with our communities. And they are struggling with providing health care for their employees. They are struggling with providing health care for their families and insurance.

And then when you hear about those that are imprisoned, as they leave having grants for health care provisions, you know, there's just something not right about that. There is something that is a little bit inappropriate about them having access to that when hard-working, middle-class families are struggling with that issue.

We have got so many things to talk about. We have had such an interesting day here. We have had some procedural moves, as Mr. GOHMERT mentioned. There is a rule that the majority was trying to change. It dealt with germaneness. This is a rule that has been on the books since 1822, part of our House rules, part of the decorum and conduct of the House. And for expedience, for convenience, this is something that they were choosing to try to change, very unfortunate, and the kind of change the American people certainly did not vote for. They want to see the rules of the House and of this great institution respected, and it's been unfortunate.

I have been greatly disappointed, and as my constituents, I've heard from three or four of them during the day that have said what's going on. And it's been with great disappointment that I've explained to them that for power, the sake of power, we saw the majority trying to eliminate a rule that has been a part of the order of this House since 1822. And we hope that they will push that aside and decide that they are going to abide by the rules of the House as they have been laid forth and have worked well for centuries, if you will.

I think also we could touch today on the fact that today marks 100 days since President Bush sent the request over for supplemental spending for our troops. It has been 100 days of inaction or putting forward bills that they knew were going to be vetoed, of political grandstanding, and I find that to be unfortunate. And it is with regret that we have to admit that that is a tactic and a mode of operation that the majority has decided to take.

They have had time to pass D.C. having the right to vote. They've had time to pass bills that would recognize schools. They've had time to name post offices. They've passed bills on global warming. They've passed legislation to

protect wild horses, but there hasn't been time to craft a bill to get money to our troops in the field.

It is a matter of priorities, Mr. Speaker, and how unfortunate that the frivolous nature of some of the legislation that has come before us, that has consumed the time of this body, would be placed as a priority above the legislation to get funding to our troops in the field. And our soldiers are running out of cash. This effort is running out of cash, and we are in a global war on terror, and it is imperative that we get that money where it needs to be to those troops.

But that has not been the priority of the majority. They chose to bring forward a supplemental bill that they knew was going to be vetoed because it had an additional $24 billion worth of pork barrel spending. So then they decided to rework it and break it into two supplementals so that the California salmon could get their money and you could get Ag money and you could get Katrina relief money. You could get all this spending and not put it through regular order, but let's get that money to that California salmon out there. We've already had Tunagate; so now let's go throw some more money in here for this.

And how very unfortunate to that put into a wartime supplemental. This is a wartime supplemental. Our primary responsibility is keeping our Nation safe, keeping it secure, making certain that when you get in that car to get those children to the bus stop, to go to school, when they go to that school, you know that they are safe, that you're not going to have a group of terrorists like the Ft. Dix six come show up at the shopping mall or at the college baseball game and try to destroy our citizens. People want that type security, and it is unfortunate that that has not been a priority.

I tell you, I look at what is happening before us and some of the things that have been passed by this body, naming the post offices and recognizing schools and horse legislation and some of those things, and you'd think maybe the Democrats have an insecurity agenda. Maybe that is their agenda for this session, this 110th Congress.

And then as we look at the supplemental, which was supposed to be passed and out of the way before we started on DOD appropriations for next year, and that is what has been before us today, we also are in the midst of looking at the budget which contains a $392.5 billion tax increase over 5-years, the single largest tax increase in American history, $392.5 billion. You would see your marginal rates increase. You would see the cap gains rate increase. Child tax credit would be cut in half. Tennessee and Texas are two States that enjoy sales tax deductibility because we're wonderful States without a State income tax. That would go away. $392.5 billion tax increase over 5 years, single largest tax increase in history. It would cost $2,611 per taxpayer in my State of Tennessee. That is the amount of increase that we are looking at.

And quite frankly, Mr. Speaker, my constituents know that government is overspent and taxpayers are overtaxed and they are tired of it. They also know that government does not have a revenue problem. It is a spending problem that government has, and my constituents also believe that if 10 percent is good enough for God on Sunday, then it ought to be good enough for the government. And they believe that we should learn to live within our means.

They are tired of working hard, getting their paycheck, looking at that pay stub and realizing that the Federal Government has first right of refusal to their paycheck because before that worker ever gets that paycheck deposited in his account, the Federal Government has put his hand into that wallet and has extracted every dollar they want out of that paycheck. Social Security comes out, your Medicare comes out, all your taxes come out. There you go. There you go, Mr. Speaker. The Federal Government has first right of refusal on your paycheck, and that is something that it is time that we should be changing.

We have so many things that are budget issues, and I want to circle back around to the health care issue that comes back to us every time we look at the budget, every time we look at DOD, Department of Defense, health care comes to the forefront. And we're so fortunate at our Energy and Commerce Committee that we have some physicians who serve on that committee with us, who are articulate and well-versed in health care and what it is, what we need to do in order to be certain that this Nation stays healthy, individuals stay healthy but that our health care delivery systems stay healthy.

I would like to yield to the gentleman from Texas (Mr. BURGESS) for some comments on the health care issue.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman for yielding, and I want to talk about something that really may be a fairly small part when we talk about the overall $2.99 trillion Federal budget. But in the Republican budget, in the minority's budget, that was not passed when we did our budgetary work 2 months ago, I included some work on a bill, a medical liability reform bill based off of law that was passed in Texas in 2003. This bill is essentially a bill that limits, that it does cap awards on noneconomic damages a little different from the bill that we passed several times on the floor of this House in the past 4 years.

The bill that we have had on the floor of the House the past 4 years has been based off the California law, the Medical Injury Compensation Reform Act of 1975 which caps noneconomic damages at $250,000.

□ 2315

Now, in Texas, back in the legislative session that occurred in 2003, an effort was made, Texas was in a significant problem as far as medical liability was concerned. We had lost most of our medical liability insurers from the State. They had simply closed up shop and left because they could not see a future in providing medical liability insurance in the State of Texas. We went from 17 insurers down to two by the end of 2002. Rates were increasing year over year. My personal situation, rates were increasing by 30 to 50 percent a year.

The State of Texas, the State legislature, passed a medical liability reform based off the California law, but updated for the 21st century. Instead of a single $250,000 cap, there was a $250,000 cap on noneconomic damages as it pertained to the physician, a $250,000 cap on noneconomic damages as it pertained to the hospital, and an additional $250,000 cap as it pertained to a second hospital or nursing home, if one was involved, so an aggregate cap of $750,000.

Well, the States are great laboratories for public policy. How is it done back in the State of Texas? Remember we dropped from 17 insurers down to two because of the medical liability crisis in the State? We are now back up to 14 or 15 carriers; and, most importantly, those carriers have returned to the State of Tex tech without an increase in premium.

What about the physicians who were paying the premiums that were inexorably going up? Again, a 20 to 50 percent per year increase that I saw myself, in my practice. What has happened? Texas Medical Liability Trust, my last insurer of record before I came to Congress, has reduced rates for physicians now an aggregate of 22 percent in the past 3 years.

That is significant, because, remember, the rate of rise was going up 20, 30, 40 percent a year. Now it's back down 22 percent and aggregate since this bill was passed.

Probably one of the most important unintended beneficiaries of this was the small community not-for-profit hospital, who was self-insured for medical liability. They have been able to take money out of those escrow accounts and put it back to work for those hospitals capitalize improvements, paying nurse's salaries, the kinds of things you want your small not-for-profit community-based hospitals to be doing, not holding money in escrow against that inevitable liability suit that might occur.

Well, under the Texas plan, I took the language of the Texas plan, worked it so it would fit within our constructs here in the House of Representatives, offered it to the ranking member of the Budget Committee. He had scored by the Congressional Budget Office, and the Texas plan, as applied through the House of Representatives to the entire 50 States, would yield a savings of $3.8 billion over 5 years. Not a mammoth amount of money when you are talking about a $2.999 trillion budget, but savings nonetheless, monies that we will

leave on the table in this budgetary cycle that could have gone to some of the other spending priorities that we hear so much about.

It could have gone for anything else so far as increase in providing medical services. We will have to reauthorize SCHIP this year. We will have to find billions of dollars for that program. Here is $3.8 billion that he with left on the table because the majority chose not to look at this in the budgets that they passed.

The other thing that is missing in this debate which we just cannot pay enough attention to, people say, well, you are from Texas, Texas has done the work. Why do you even care if there is any type of national solution? Well, it's not just the $3.8 billion that we would save under the budgetary cycle over the next years. It's the cost of defensive medicine. It is very, very hard to get a handle on the cost of what that defensive medicine is.

But consider this, 1996, a study done, Stanford University, revealed that in the Medicare system alone, in the Medicare system alone, the cost of defensive medicine was approximately 28- to $30 billion a year. That was 10 years ago. I suspect that number is higher today. That's why we can scarcely afford to continue the trajectory we are on with the medical liability issue in this country.

Another consideration, young people, getting out of college, considering medical school, put the brakes on their dreams. I don't know if I want to do that. I don't know if I want to face all of the hassles you have to face in the practice of medicine and those large liability insurance payments as well.

We are keeping young people out of the practice, of considering the practice of a health care profession for their livelihood because of the burden that we put upon them, not just with how we reimburse physicians at a Federal level, that's a discussion for another day, but with the burden that we put on them with health professions, loans that they have to take out to get through school, they carry a big debt load when they get out of medical school. Then on top of that, they will have to go out and borrow huge sums of money just to pay their liability insurance. Many of them simply turn off that dream and say I will do something else. There is another path for me. I don't need to choose a career in health.

This is the thing that we have to consider. We have to focus on how we are affecting our physician workforce for the future, how we are affecting the health care that you are our children and our children's children will receive.

I appreciate the opportunity to talk on this subject. As you know, I will do it at almost any time and work it into any context. But it does have a budgetary role. It is a significant one.

We shouldn't turn our backs on that $3.8 billion that's lying on the table right now waiting for us to pass the sensible legislation.

Mrs. BLACKBURN. I thank the gentleman from Texas. I appreciate this so much. How interesting that something that would yield a $3.8 billion savings has been overlooked and left on the table. But I think that what we see from this, and what the takeaway for us is, that we have an innovative idea, and as the physician from Texas said, our States are great labs for finding things that work. They do such a great job looking at needed reforms, whether they are educational reforms or health care reforms, and finding things that work.

You take a program like the liability reforms in Texas that have reduced insurance rates by over 22 percent, and then you run that out on a national basis and you say, okay, over 5 years, we can save $3.8 billion, not to include it, when you know it's a concept that works, not to bring it forward for discussion from the House, so that you can elevate the awareness of this.

Look for a pilot project for this if you need be, if you need further evidence and some qualified data to work from. But to be able to say, all right, we are just not going to do this because we like the status quo, we like the way the status quo is, and we are not interested in something that will be new, different, or maybe save some money.

We would rather be spending money and spending they are, to the tune of the single largest tax increase in history that the liberal majority and the liberal leadership in this House is bringing forward in their budget, $392.5 billion over a period of 5 years.

It has been a pleasure to stand with my colleagues tonight and to talk a little bit about our budget, to talk about some of the gamesmanship, if you will, that has taken place as the majority has tried to change a rule that has been on the books since 1822, lack of respect for the traditions of the institution.

We also would recognize with sorrow the fact that this is the 100th day since President Bush said, our men and women in uniform need additional funds. It is an imperative that we get the funds to them, and still no bill in sight. We have a Memorial Day break coming up upon us. I think it's unfortunate.

Mr. GOHMERT. I yield to my friend from Texas.

Mr. CARTER. I want to expand a little bit on what my good friend from Tennessee was talking about.

I happen to be blessed to have Fort Hood, Texas, in my district, which is the only division 2 post in America. It is the largest gathering of military forces on Earth, and we have experienced already, since I have been in Congress, a delay on getting a supplemental to the post.

Now, I think the American people need to know, and I would hope my colleagues in Congress would know, that today, as we speak, there are between 4- and 5,000 American soldiers going door-to-door in Baghdad and looking for three soldiers. Why is that? Why that concentration of effort?

Because the United States Army and the United States Marine Corps and every one of our services, they value every human life that they have. They care about their soldiers, and they are showing it by 24/7 putting their lives on the line looking for these guys, because they know what happens to these prisoners, what has happened in the past, people who were castrated and skinned alive, and their throats cut, and left on the side of the road dead with bombs strapped to their bodies. So they care about those soldiers.

This issue goes right down to what happens at home, when the supplemental money that provides the bullets, ammunition, transportation, vehicles for our soldiers in harm's way, when this Congress fails to meet its obligation to those brave men and women. By passing a supplemental, what does the Army do? Do they let the guys in the war suffer the consequences? No.

What happens is they look into the pocketbooks back home, and they have to cut the soldiers that are back in Texas or back in Tennessee or back in one of the other fine States in this union, they have to reduce what they have available for training, for services on their post.

You know, last year, when we didn't get the supplemental done until August, I can tell you that the people of Killeen, where Fort Hood is located, the people on the post, were talking about will we have enough money to pay the bills, the kinds of bills that American citizens understand, light bills, water bills, service bills, cutting the grass.

Are we going to be able to provide that at this post because the money, first, goes to the war fighters. They don't leave American soldiers in harm's way. So they cut their own pocketbooks.

Are we going to be able to pay the people we have contracted with to provide services? These issues are facing our soldiers today, because of the 100-day delay in providing this supplemental for our soldiers.

So it's important to know that our Army will not leave those guys without the goods that they need, and they will cut whatever they have to at home much.

But what does that mean to the next round of people that may have to go back to that war or any war? Also, you have at risk the possibility of cutting the training budgets for these soldiers, and what makes the American fighting man so superior to anybody on Earth? He is the best-trained soldier that ever took to the field. But if you cut the training bills in order to provide bullets for the guys in harm's way, then the training has to sacrifice. We can't get to that point. It is critical that we get a supplement passed from the standpoint of the American soldier.

Finally, today, we heard all rhetoric on this great, by the way, great bill

that we just passed on defense authorization. We are providing funds for the soldiers in Iraq and Afghanistan, yes, in 2008.

But what are we going to do about it now? I think this is something that really has to be addressed because we are harming the best military on earth.

Mr. GOHMERT. I thank my former judge friend. You brought up about our soldiers going door-to-door in Iraq looking for the three soldiers that are missing, how critical intelligence is.

Now, I know the gentleman from Texas, my friend, the gentlelady from Tennessee, you both recall, though none of us were in Congress, I recall, because I was in the Army, and when President Carter started making Draconian cuts in our intelligence, and started cutting out critical areas of intelligence that would help us in the military, it hurt.

Now, when you are in the military, you cannot say anything derogatory about your Commander in Chief, that is a court martialable offense.

But we took up an intelligence bill, and, of course, as we know, some of the information that we have to go up and review in a classified setting, in a top secret setting, and things we learned cannot be revealed and will not be disclosed and divulged, but something that has been discussed on this floor in that intelligence bill is we cut some vital programs. We cut some vital eyes and years information that would help our military to have what they need to know where the enemy is, where they are coming from, what they are doing, those kinds of things.

□ 2330

And to help look for global warning evidence, to look for global warming evidence. I don't know about you all, I was seeing just this week some information about the polar ice caps melting, how devastating that can be, how that can bring about the end of the world, and we have to cut CO_2 emissions. But the polar ice caps I am talking about were on Mars.

Now, how are our CO_2 emissions on Earth, staying in our atmosphere, causing the Mars polar ice caps to melt? Gee, could it have something to do with maybe just more sunspots? In any event, that is a whole different matter.

The Constitution says we are to provide for the common defense. And when you cut programs that will help with eyes and ears to our military, I don't see how you can go home feeling too good about what we have done.

I yield to my friend from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. It has been so interesting to me, and the gentleman mentioned Fort Hood and Killeen, Texas and his constituents there. Fort Campbell is in my district in Montgomery County, Tennessee, and to see these men and women, and to hear their stories and to see their need, as I have worked with that post since coming to Congress and working to meet their needs, one of the lessons to me has been, and I think this should be one of the lessons learned for all of us who are Members in Congress, when you cut funding to programs like the military, then there is a price to pay for that. And we are constitutionally charged and directed to provide for the common defense and the security of this Nation.

One of the things that happened during the Clinton Presidency, in order to generate a surplus, was cutting the military funding and cutting the intelligence funding. And we have heard, 4 years. This is not anecdotal, it is something that is fact and something that was bragged about, actually, a little bit in the late 1990s, was not putting that money into R&D, not researching the next generation of tanks or choppers or fighters or artillery or armor, because the Cold War was over and there wasn't a big threat. So let's cut that funding, and then let's put that money into something else.

And the same thing happened with intelligence, as the gentleman was saying. There was money that was cut back from that and put into social programs and domestic programs and not put into keeping that intelligence network strong and viable. And it takes about 5 years for one of our intelligence agents to develop an asset that is a reliable asset for information to protect our country. And I hope this is a lesson learned.

When we look at what happened to our country on September 11th, that is the date our Nation stopped responding to acts of terrorism as civil disobedience and started responding to acts of terrorism as an act of war, September 11th. We had been attacked for 2 decades prior to that, but that day was the day it changed. And as we looked at that and realized that on September 11, 2001, we were not under a George Bush budget, we were still under a Bill Clinton budget, and the Bush budget was kicking in about the 1st of October.

We have to realize that what you had were many years where our military had been telling us, we are pulling down on all of our resources, our reserve resources, we are pulling these down; and we need to be replenishing, we need to be careful where we are. I think that is a lesson, and I hope it is a lesson that we realize, that when you put something in place, you have to maintain it. When you build for the common defense, you need to maintain that in order to be able to stay strong.

I yield to the gentleman.

Mr. GOHMERT. I thank the gentlelady. You have made some great points.

During the 1990s, though, we were assured; we heard so many times all these lies about weapons of mass destruction. And maybe it is unfortunate that it turns out that all the times President Clinton assured us that Iraq had weapons of mass destruction, maybe they were right, maybe President Clinton was lying all those times that he said Iraq had weapons of mass destruction. Maybe Madeline Albright was lying all those times she said Iraq had weapons of mass destruction. Maybe George Bush should not have believed all the information they provided to him about Iraq having weapons of mass destruction.

But, nonetheless, we are now hearing people even in some of the debates and whatnot blaming this President and saying, if we would just leave the jihadist extremists alone, they will leave us alone.

And they want to blame President Bush, the current President Bush for our Americans being killed. If you are going to do that, though, you have to blame President Clinton for 9/11 because all the time, he was President. Of course, they tried the World Trade Center bombing in 1993 that failed, and then they began planning for the next, and that was 9/11.

Now, I feel like President Clinton made a lot of mistakes, but to blame him for Muslims plotting during the entire time he was President to blow up and kill thousands of Americans doesn't fit, because during his Presidency this country, nearly every time President Clinton committed troops or military assets it was to protect Muslims around the world. And yet all that time the jihadist extremists were plotting to kill thousands of Americans. So this stuff about blaming President Bush doesn't wash.

You go back to 1979. I was at Fort Benning. The first jihadist attack, taking our American embassy, that is an act of war. You are attacking American property, that is an act of war. Taking hostages. We did nothing but wring our hands and beg them to let them go. That was a breakdown and that was a glitch right after we fled from Vietnam. It was not a good chapter.

But the fact is, there are people that want to destroy our way of life. And we took an oath to support and defend the Constitution. The President did. I know, having taken that oath as a member of the United States military before, that is all taken very seriously. And there are people that want to destroy our way of life. We owe it to them to provide them the common defense. And we see things being weakened here, and it breaks my heart.

The American people, any time you see a program cut, whether it is under President Carter, President Clinton, or now under the Democratic majority cutting some intelligence program, and then you find out that it goes to some pork barrel earmark to somebody in the majority, it just breaks your heart, I can tell you, having been in the military when those things happen. And so it is heartbreaking to see the way it looks like we are going to head down that path with this Democratic majority.

I would yield to my friend from Texas for further comment.

Mr. CARTER. I agree completely with what my friend Judge GOHMERT had to say. You have given a very good history of what has been the history of the Democrat Party when they were in the majority or where they were in control of the White House. They have a history of cutting and providing less than the necessary supplies for our military.

In fact, one of the great brags that Al Gore used to say is that he reduced the number of employees in the Federal Government by this huge amount. But if you looked at where they came from, they were United States soldiers. Members of the military made up the vast majority of the numbers of reducing the size of government that were taken credit for during the Clinton administration. They cut our Army down from multidivisions, down to where it is now.

But you know what? That is all water under the bridge. You had mentioned something that is very important to me: We took an oath.

We took an oath, and our colleague from Texas (Mr. NEUGEBAUER) got asked a question by one of his folks back home: Why do you feel so that you are doing the right thing by providing for these guys that are fighting over in Iraq?

He said, You know, it is easy to criticize. But when you become responsible, then you have really got to look at it. And he said, I am by my oath responsible to the American public to provide for the common defense.

It as a perfect answer. That is exactly what we all did, Republican and Democrat, is we took an oath to be responsible to the American people to provide protection for those people. And some of these are hard calls and hard votes. These are not for me. These are not for me nor for anyone in this room. But it is a hard vote for some. So it is just sad. And sometimes we have just got to remember why we are here.

I would like to mention one more thing because I know our time is getting late. But we talked about this $392.5 billion tax increase that is coming down the road. Let me point out to folks that are paying gas prices. If you don't like $3 a gallon gasoline, which, by the way, there was supposed to be an instant solution for that problem when the new majority came into power, but we haven't seen it. In fact, it has only been made worse, in my opinion.

But take that, and I looked at that long list of what it means to everybody's district for this tax increase, and everybody gets—at least $2,000 it is going to cost the average family, At least $2,000. So take that money that you are putting aside to pay for that gas and subtract $2,000 a year from it. So the price of gas is going up. If nothing else, the price of gas is going up for the average American family by this tax increase, and it is something that will hurt our economy and turn us in the wrong direction.

I just wanted to mention that before we have to quit.

Mr. GOHMERT. And I appreciate the gentleman yielding back. It is a good note to finish on because people are paying too much for gasoline. And I go back to something I said in, January a few months ago, after the Democratic majority rammed another bill through that was going to cut the incentives for drilling, for refineries, some of the things that we have done in the last couple of years that we were here.

And I came to the well and I said then, and I will finish with this: If you are going to do things that make gasoline go up, at least have pride enough when the price goes up to come to the floor and say, ''You bet you we are the Democratic majority, and we drove up the price of gas and we are proud of it.''

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, May 21, 22, and 23.

Mr. BISHOP of Utah, for 5 minutes, May 23.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 17, 2007, 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:

1795. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 110-34); to the Committee on Foreign Affairs and ordered to be printed.

1796. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Alliance, NE. [Docket No. FAA-2006-25945; Airspace Docket No. 06-ACE-15] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1797. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-6601; Fort A.P. Hill, VA. [Docket No. FAA-2007-27294; Airspace Docket No. 06-AS0-17] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of High Altitude Reporting Point; AK [Docket No. FAA-2007-27438; Airspace Docket No. 07-AAL-2] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1799. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Covington, GA. [Docket No. FAA-2006-26086; Airspace Docket No. 06-ASO-14] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1800. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Mekoryuk, AK [Docket No. FAA-2006-26314; Airspace Docket No. 06-AAL-37] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1801. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Northway, AK [Docket No. FAA-2006-26316; Airspace Docket No. 06-AAL-39] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1802. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Gulkana, AK [Docket No. FAA-2006-26315; Airspace Docket No. 06-AAL-38] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1803. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Saratoga, WY [Docket No. FAA 2006-24233; Airspace Docket No. 06-ANM-1] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1804. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Adak, Atka, Cold Bay, King Cove, Nelson Lagoon, Saint George Island, Sand Point, Shemya, St. Paul Island, and Unalaska, AK [Docket No. FAA-2006-26164; Airspace Docket No. 06-AAL-34] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nucla, CO [Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Gillette, WY [Docket No. FAA-2005-20381; Airspace Docket No. 05-ANM-3] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Luke Air Force Base, AZ [Docket No. FAA-2006-26311; Airspace Docket No. 06-AWP-19] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. FAA-2007-27267; Directorate Identifier 2002-NE-40-AD; Amendment 39-14991; AD 2007-06-10] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 58 and G58 Airplanes [Docket No. FAA-2006-25739; Directorate Identifier 2006-CE-46-AD; Amendment 39-14988; AD 2007-06-07] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa ''PZL-Bielsko'' Model SZD-50-3 ''Puchacz'' Gliders [Docket No. FAA-2006-26497; Directorate Identifier 2006-CE-082-AD; Amendment 39-14989; AD 2007-06-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26180; Directorate Identifier 2006-CE-59-AD; Amendment 39-14995; AD 2007-06-14] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002), and BN-2A-MkIII Trislander Series (all individual models included in Type Certificate Data Sheet (TCDS) A29EU, Revision 4, dated December 9, 2002) Airplanes [Docket No. FAA-2006-26401; Directorate Identifier 2006-CE-72-AD; Amendment 39-14987; AD 2007-06-06] (RIN: 2120-AA64) Received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1813. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26166; Directorate Identifier 2006-CE-58-AD; Amendment 39-14992; AD 2007-06-11] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1814. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes; Equipped with General Electric CF6-80A3 or CF6-80C2 Engines [Docket No. FAA-2005-22036; Directorate Identifier 2005-NM-009-AD; Amendment 39-14994; AD 2007-06-13] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1815. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26495; Directorate Identifier 2006-CE-80-AD; Amendment 39-14997; AD 2007-06-16] (RIN: 2120-AA64) received May 10, 2007, 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. SPRATT: Committee of Conference. Conference report on Senate Concurrent Resolution 21. Resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110–153). Ordered to be printed.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 811. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; with an amendment (Rept. 110–154). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 698. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; with an amendment (Rept. 110–155). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 409. Resolution providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110–156). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. BOUCHER, Mr. SENSENBRENNER, Ms. ZOE LOFGREN of California, and Mr. CHABOT):

H.R. 2336. A bill to amend title 35, United States Code, relating to the funding of the United States Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 2337. A bill to promote energy policy reforms and public accountability, alternative energy and efficiency, and carbon capture and climate change mitigation, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas:

H.R. 2339. A bill to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Science and Technology.

By Mr. BURGESS:

H.R. 2340. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself and Ms. SLAUGHTER):

H.R. 2341. A bill to prohibit securities and commodities trading based on nonpublic information relating to Congress, and to require additional reporting by Members and employees of Congress of securities transaction, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on House Administration, the Judiciary, Agriculture, and Standards of Official Conduct, 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. ALLEN (for himself, Mr. GILCHREST, Mr. WAXMAN, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. SAXTON, Mr. FARR, Mr. INSLEE, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MORAN of Virginia, and Mr. THOMPSON of California):

H.R. 2342. A bill to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. PLATTS):

H.R. 2343. A bill to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. MARSHALL):

H.R. 2344. A bill to reiterate the authority of the United States Armed Forces to use riot control agents as a legitimate, legal, and non-lethal alternative to the use of lethal force under the general rules of engagement in effect for contingency operations of the Armed Forces conducted outside of the United States; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. ANDREWS, Mr. BECERRA, Mr. BERMAN, Ms. CARSON, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr.

FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. WATERS, and Mr. WAXMAN):

H.R. 2345. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2346. A bill to direct the Secretary of Veterans Affairs to establish a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. LANTOS, Mr. SHERMAN, Mr. SHAYS, Mr. LYNCH, Mr. ACKERMAN, Mr. KLEIN of Florida, and Mr. WEXLER):

H.R. 2347. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and 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. HERSETH SANDLIN (for herself, Mr. WALZ of Minnesota, and Ms. MCCOLLUM of Minnesota):

H.R. 2348. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture.

By Mrs. JONES of Ohio (for herself, Mrs. CHRISTENSEN, Mr. HONDA, and Mr. GRIJALVA):

H.R. 2349. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 2350. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and 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.

By Ms. KAPTUR (for herself, Mr. LATOURETTE, and Mr. CLAY):

H.R. 2351. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and 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. ROTHMAN (for himself, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Ms. BERKLEY, Mr. PAYNE, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. TOWNS, Mr. WEINER, Ms. WATERS, Ms. DEGETTE, Mr. ANDREWS, Mr. ACKERMAN, Mr. WU, Ms. BALDWIN, Mr. YARMUTH, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. WATT, Mr. WYNN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Ms. LEE, Mr. EMANUEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. SIRES, Mr. KIND, Mr. SCOTT of Georgia, Mr. GENE GREEN of Texas, Mr. PATRICK MURPHY of Pennsylvania, Ms. MATSUI, Mr. KUCINICH, Ms. SUTTON, and Mr. SCOTT of Virginia):

H.R. 2352. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher education; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mrs. MYRICK, Mrs. CAPPS, Mr. MOORE of Kansas, Mr. ALLEN, Mr. LOEBSACK, Mr. ALEXANDER, and Mr. ROTHMAN):

H.R. 2353. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 2354. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Armed Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2355. A bill to amend the Internal Revenue Code of 1986 to extend the authority for penalty-free withdrawals from retirement plans by military reservists or national guardsmen called to active duty for extended periods; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, Mr. SHAYS, Mr. BOUCHER, Mr. CLEAVER, Mr. MOORE of Kansas, Mr. SMITH of Washington, Mr. ALTMIRE, Mr. TERRY, Mr. MCDERMOTT, Mr. MCINTYRE, and Mr. REHBERG):

H. Con. Res. 149. Concurrent resolution expressing support for the goals and ideals of National Health Information Technology Week, and encouraging the President to issue a proclamation supporting those goals and ideals; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H. Res. 410. A resolution expressing the sense of the House of Representatives with respect to the increase in rates of postage for standard mail that went into effect on May 14, 2007; to the Committee on Oversight and Government Reform.

By Mr. MELANCON (for himself, Mr. JEFFERSON, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. ALEXANDER, Mr. BAKER, Mr. MCCRERY, Mr. CHANDLER, and Mr. YARMUTH):

H. Res. 411. A resolution congratulating Jockey Calvin Borel for his victory at the 133rd Kentucky Derby; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

36. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 6 supporting the ''25 X 25'' Initiative to increase production of renewable energy by the agricultural community; to the Committee on Agriculture.

37. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 65 requesting that the Congress of the United States support the passage of the National Guard Empowerment Act of 2007; to the Committee on Armed Services.

38. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 8012 urging the Congress of the United States to swiftly pass S. 513 and H.R. 869; to the Committee on Armed Services.

39. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1289 memorializing the Congress of the United States to increase funding for Community Development Block Grants; to the Committee on Financial Services.

40. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 45 urging the Congress of the United States to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing; to the Committee on Financial Services.

41. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 27 memorializing the Congress of the United States to invest in Head Start and Quality Child Care; to the Committee on Education and Labor.

42. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 33 requesting that the Congress of the United States propose amendments to the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

43. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 1 urging the Congress of the United States to develop health care reforms addressing the increasing costs of health care, the increasing number of people without health insurance, a lack of uniform quality, and disparate health care legislation among states that impacts the Nation's economy and American's health; to the Committee on Energy and Commerce.

44. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 36 urging the President of the United States, the Congress of the United States, and the United States Department of Energy to restore funding for the Weatherization Assistance Program in Fiscal Year 2008 and to considering increasing future funding for this important federal program; to the Committee on Energy and Commerce.

45. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6015 setting forth a vision for the future of the health care system in Kansas; to the Committee on Energy and Commerce.

46. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution requesting that the State Children's

Health Insurance Program be fully funded not only for children of the State of Maine, but for all of the children of the working poor in the United States; to the Committee on Energy and Commerce.

47. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 25 designating April 24, 2007, as ''Pennsylvania's Day of Remebrance of the Armenian Genocide of 1915-1923''; to the Committee on Foreign Affairs.

48. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 4 opposing the relaxation of mail delvery standards under consideration by the President's Commission on the United States Postal Service; to the Committee on Oversight and Government Reform.

49. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 197 memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners; to the Committee on Oversight and Government Reform.

50. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 14 urging the Congress of the United States to include a right of first refusal for a state in which federal land proposed for sale is located; to the Committee on Natural Resources.

51. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 36 urging the Congress of the United States to de-couple federal mineral royalty revenue payments from states to counties when calculating payment in lieu of tax payments; to the Committee on Natural Resources.

52. Also, a memorial of the Legislature of the State of North Dakota, relative to House Concurrent Resolution No. 3032 encouraging a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in the Congress of the United States; to the Committee on the Judiciary.

53. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 45 memorialing the Congress of the United States to enact the Second Chance Act to help juvenile and adult ex-offenders to successfully re-enter their communities; to the Committee on the Judiciary.

54. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 21 condemning the United States Citizenship and Immigration Services' fee increase; to the Committee on the Judiciary.

55. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 34 expresing the Senate's opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; to the Committee on Transportation and Infrastructure.

56. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5018 urging the Congress of the United States to propose a bill requesting the President of the United States authorize the striking of a special U.S. Atomic Service Medal to honor Atomic veterans; to the Committee on Veterans' Affairs.

57. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial No. 14 urging the Congress of the United States to fully fund medical care and aid and attendent care services for Honey Sue Newby and the other level three Spina Bifida children of parents who served in Vietnam and who are totally disabled; to the Committee on Veterans' Affairs.

58. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 13 requesting that the Congress of the United States enact legislation to assure federal funding for the health care of veterans; to the Committee on Veterans' Affairs.

59. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution urging the President of the United States and the Congress of the United States create a replacement for the Trade Promotion Authority system so that United States trade agreements are developed and implemented using more a democratic and inclusive mechanism that entails meaningful consultation with states; to the Committee on Ways and Means.

60. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 4 urging the Congress of the United States reauthorize the Secure Rural Schools and Community Self-Determintation Act and work toward a permanent solution to compensate states and local governments for lost tax revenue on federal land within Montana; jointly to the Committees on Agriculture and Natural Resources.

61. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 4011 requesting that the Congress of the United States enact a law that preserves the use and access of pack and saddle stock animals on public lands; jointly to the Committees on Agriculture and Natural Resources.

62. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 supporting the reauthorization of the ''Secure Rural Schools and Community Self-Determination Act'' or the enactment of its equitable equivalent; jointly to the Committees on Agriculture and Natural Resources.

63. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8008 respectfully praying that the Congress of the United States take action necessary to give priority in the issuance of immigrant visas to the sons, daughters, and grandchildren of Filipino World War II veterans who are or were naturalized citizens of the United States and amend the 1946 Rescission Act and honor our country's moral obligation to restore these Filipino veterans full United States veterans status with the military benefits they deserve; jointly to the Committees on the Judiciary and Veterans' Affairs.

64. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 15 requesting that the Congress of the United States re-evaluate the Medicare formula for computing payments to doctors or take other measures to avert future reductions in payments for services; jointly to the Committees on Ways and Means and Energy and Commerce.

65. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 141 urging the Congress of the United States to increase the Medicare Reimbursement rates for Hawaii; jointly to the Committees on Ways and Means and Energy and Commerce.

66. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1182 memorializing the Congress of the United States to fulfill the intent to fund 60% of the costs of special education and to end unfunded mendates; jointly to the Committees on Education and Labor, Oversight and Government Reform, the Judiciary, the Budget, and Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SIRES, Mr. MARKEY, Mr. LIPINSKI, Mr. JACKSON of Illinois, and Mr. COSTELLO.

H.R. 21: Mrs. TAUSCHER, Mr. FILNER, Ms. MATSUI, Mr. CROWLEY, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. GUTIERREZ, and Mr. REYES.

H.R. 23: Mr. FERGUSON, Mr. POE, Mr. GILLMOR, Mr. WELCH of Vermont, and Mr. PETRI.

H.R. 65: Mr. BACHUS.

H.R. 67: Mr. MATHESON.

H.R. 78: Mr. LINCOLN DAVIS of Tennessee.

H.R. 82: Mr. BURTON of Indiana, Mr. COSTA, Mr. ELLISON, Mrs. JONES of Ohio, and Mr. WALSH of New York.

H.R. 89: Ms. WOOLSEY.

H.R. 101: Mr. PRICE of Georgia.

H.R. 111: Mr. ROSKAM, Mrs. TAUSCHER, Ms. BERKLEY, Mr. SARBANES, Mr. LINCOLN DAVIS of Tennessee, and Mr. COHEN.

H.R. 156: Mr. LARSON of Connecticut and Mr. PETERSON of Minnesota.

H.R. 171: Mr. JACKSON of Illinois.

H.R. 174: Mr. JACKSON of Illinois.

H.R. 241: Mr. FORBES and Mr. EVERETT.

H.R. 281: Mr. LOEBSACK.

H.R. 380: Ms. LINDA T. SÁNCHEZ of California.

H.R. 543: Ms. ESHOO.

H.R. 551: Mr. MCKEON, Ms. LINDA T. SÃNCHEZ of California, and Mr. MCCAUL of Texas.

H.R. 552: Mr. CRAMER.

H.R. 557: Mr. HOLDEN, and Mr. CUELLAR.

H.R. 579: Mr. YOUNG of Alaska, Mr. WELDON of Florida, Mr. SCHIFF, Mr. ROSKAM, and Mr. RENZI.

H.R. 612: Mr. BOSWELL.

H.R. 620: Mr. JACKSON of Illinois.

H.R. 621: Mr. BUCHANAN.

H.R. 623: Mr. RAHALL.

H.R. 624: Ms. ESHOO and Ms. NORTON.

H.R. 654: Mr. UDALL of New Mexico, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. COSTELLO, Mrs. BONO, and Ms. NORTON.

H.R. 695: Mr. MCGOVERN and Ms. KAPTUR.

H.R. 698: Ms. ESHOO and Mr. WYNN.

H.R. 718: Mrs. JONES of Ohio and Ms. NORTON.

H.R. 743: Mr. SMITH of Texas, Mr. PORTER, and Mr. ENGEL.

H.R. 748: Mr. GRIJALVA, Mr. WEXLER, and Mr. MOORE of Kansas.

H.R. 760: Mr. PORTER and Mr. WELCH of Vermont.

H.R. 773: Mr. CONYERS.

H.R. 777: Mr. SIRES.

H.R. 804: Ms. WATSON, Mr. HINOJOSA, Mr. HINCHEY, and Mr. CUELLAR.

H.R. 811: Mr. MURPHY of Connecticut.

H.R. 821: Mr. ETHERIDGE and Mr. MCNERNEY.

H.R. 840: Ms. CLARKE.

H.R. 869: Mrs. JONES of Ohio.

H.R. 871: Ms. CARSON and Mr. BURTON of Indiana.

H.R. 882: Mr. BERRY.

H.R. 891: Mr. GARRETT of New Jersey and Mr. SHIMKUS.

H.R. 900: Mr. RUPPERSBERGER and Mr. SHAYS.

H.R. 933: Mr. WYNN.

H.R. 962: Ms. SCHAKOWSKY, Mr. BERMAN, and Mr. FRANK of Massachusetts.

H.R. 970: Mr. ETHERIDGE.

H.R. 971: Mr. SCHIFF and Mr. CLEAVER.

H.R. 980: Mr. ALTMIRE, Mr. ANDREWS, Mr. ELLSWORTH, Mr. YOUNG of Alaska, Mr. MORAN of Virginia, Mr. RUSH, Mr. CARDOZA, Mr. CROWLEY, Mr. OLVER, Mr. BACA, Ms. SHEA-PORTER, and Mr. CAPUANO.

H.R. 983: Mr. REICHERT.
H.R. 1064: Mr. JINDAL and Mr. FILNER.
H.R. 1070: Mr. CARDOZA, Mr. HINOJOSA, and Mr. HASTINGS of Florida.
H.R. 1073: Ms. BALDWIN, Mrs. NAPOLITANO, and Mr. CUELLAR.
H.R. 1088: Mr. WYNN.
H.R. 1098: Mr. SOUDER and Mr. ARCURI.
H.R. 1108: Mr. PRICE of North Carolina and Mr. GILCHREST.
H.R. 1110: Mr. UDALL of New Mexico.
H.R. 1125: Mr. SOUDER and Mr. TIBERI.
H.R. 1137: Mr. BOSWELL.
H.R. 1148: Mr. JACKSON of Illinois.
H.R. 1216: Mr. ROTHMAN and Mrs. LOWEY.
H.R. 1222: Mrs. JO ANN DAVIS of Virginia and Mr. HAYES.
H.R. 1225: Mr. JACKSON of Illinois.
H.R. 1237: Mr. DAVID DAVIS of Tennessee.
H.R. 1239: Ms. MCCOLLUM of Minnesota.
H.R. 1248: Mr. WYNN and Mr. PAUL.
H.R. 1302: Ms. HERSETH SANDLIN, Mr. DOGGETT, Mr. LOEBSACK, Mr. UDALL of New Mexico, and Mr. INSLEE.
H.R. 1306: Mr. MICA.
H.R. 1307: Mr. CRAMER.
H.R. 1308: Mr. PASTOR.
H.R. 1331: Mr. OLVER, Ms. HARMAN, Mrs. TAUSCHER, and Mr. BRALEY of Iowa.
H.R. 1344: Mr. MATHESON.
H.R. 1354: Mr. CRAMER.
H.R. 1380: Mr. ALEXANDER.
H.R. 1391: Mr. WYNN.
H.R. 1398: Mr. BISHOP of Georgia, Mr. PENCE, Mr. WELDON of Florida, Mr. LEWIS of Kentucky, and Ms. FALLIN.
H.R. 1415: Mr. BLUMENAUER and Ms. CARSON.
H.R. 1416: Mr. UDALL of New Mexico, Mr. BLUMENAUER, and Ms. CARSON.
H.R. 1424: Mr. CRAMER.
H.R. 1440: Mr. UDALL of Colorado, Mr. PAYNE, and Mr. MOORE of Kansas.
H.R. 1459: Ms. BALDWIN, Mr. TIAHRT, Mr. WEXLER, and Mr. REICHERT.
H.R. 1470: Mr. GORDON and Ms. CORRINE BROWN of Florida.
H.R. 1474: Mr. CARTER, Mr. LOEBSACK, Ms. DELAURO, Mr. LEVIN, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. ALEXANDER, Mr. SIMPSON, Mr. BERMAN, Mr. PETERSON of Pennsylvania, Mr. SCHIFF, Mr. WU, Mr. GOODLATTE, Mr. ORTIZ, Mr. CONAWAY, Mr. CUELLAR, and Mr. SHUSTER.
H.R. 1475: Mr. DOYLE, Mr. FATTAH, and Mrs. CAPPS.
H.R. 1481: Mrs. MCCARTHY of New York, Mr. TANNER, Mr. MOORE of Kansas, and Mr. GILLMOR.
H.R. 1524: Mr. ROTHMAN, Mr. GERLACH, Mr. ELLSWORTH, Mr. MORAN of Virginia, Mr. TURNER, and Ms. SCHAKOWSKY.
H.R. 1536: Mr. ALTMIRE, Ms. BORDALLO, and Mr. MCINTYRE.
H.R. 1537: Mr. PAYNE, Mr. JACKSON of Illinois, and Mr. ROTHMAN.
H.R. 1551: Mr. JACKSON of Illinois.
H.R. 1553: Mr. DELAHUNT.
H.R. 1561: Mr. GORDON.
H.R. 1628: Ms. SCHAKOWSKY.
H.R. 1653: Mr. PAYNE.
H.R. 1662: Mr. HASTINGS of Washington.
H.R. 1673: Ms. ZOE LOFGREN of California and Ms. WATSON.
H.R. 1682: Ms. BERKLEY.
H.R. 1687: Mr. PLATTS, Mrs. CAPPS, and Mr. BARROW.
H.R. 1688: Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BERMAN, Mr. WATT, Ms. WATSON, Mr. PAYNE, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. RANGEL, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mrs. JONES of Ohio, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, and Mr. HASTINGS of Florida.
H.R. 1692: Mr. WYNN.
H.R. 1709: Mr. INSLEE.
H.R. 1719: Ms. NORTON and Ms. CARSON.
H.R. 1728: Ms. CARSON.
H.R. 1733: Mrs. MYRICK.
H.R. 1735: Mr. BILIRAKIS and Mr. JONES of North Carolina.
H.R. 1740: Mr. MCNULTY.
H.R. 1742: Mr. BOREN.
H.R. 1747: Ms. WOOLSEY and Mr. FILNER.
H.R. 1754: Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. MARSHALL, Mr. CRAMER, Mr. CARDOZA, Mr. MITCHELL, Mr. LINCOLN DAVIS of Tennessee, Mr. LOEBSACK, Mrs. GILLIBRAND, and Mr. DOGGETT.
H.R. 1758: Mr. JEFFERSON.
H.R. 1759: Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. CALVERT, Mr. LEWIS of California, Mr. RYAN of Ohio, Mr. REHBERG, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. MCKEON, and Mr. SHIMKUS.
H.R. 1772: Mr. LOEBSACK, Mr. PASTOR, and Ms. LORETTA SANCHEZ of California.
H.R. 1783: Mr. WU, Mr. WYNN, Mr. LAMPSON, and Mr. MAHONEY of Florida.
H.R. 1818: Mrs. CAPPS.
H.R. 1845: Mr. ALLEN, Mr. CHANDLER, Mr. VISCLOSKY, and Mr. SHAYS.
H.R. 1878: Mr. INSLEE.
H.R. 1884: Mr. WYNN.
H.R. 1902: Mr. WYNN.
H.R. 1907: Ms. MATSUI, Mrs. TAUSCHER, Mr. BLUMENAUER, and Mr. STARK.
H.R. 1926: Mr. OLVER, Mr. FRANK of Massachusetts, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. SHUSTER, and Mr. WYNN.
H.R. 1941: Mr. GRIJALVA and Mr. RAMSTAD.
H.R. 1942: Mr. CHABOT.
H.R. 1968: Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SIRES, Mrs. CHRISTENSEN, AND MS. BORDALLO.
H.R. 1971: Ms. SLAUGHTER, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. WALSH of New York, Mr. CLAY, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. CUMMINGS, Mrs. MALONEY of New York, Mr. RUSH, Mr. HARE, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. ROSS, and Mr. CONYERS.
H.R. 1985: Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. WYNN.
H.R. 1999: Mr. FRANK of Massachusetts, Mr. REYES, and Mr. PASTOR.
H.R. 2015: Mr. CARNAHAN, Mr. TIERNEY, Mr. ISRAEL, Mr. BOSWELL, Ms. WATERS, Ms. WOOLSEY, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2017: Mr. BLUMENAUER and Mr. WYNN.
H.R. 2035: Mr. SIMPSON.
H.R. 2046: Mr. MELANCON.
H.R. 2049: Mr. BISHOP of New York, Ms. SOLIS, Mr. FATTAH, Mr. LYNCH, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. PALLONE, and Ms. ZOE LOFGREN of California.
H.R. 2053: Mr. UDALL of Colorado, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASTOR, Mr. LUCAS, Mr. GOODE, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, and Mr. HAYES.
H.R. 2060: Mrs. CAPPS, Mr. OBERSTAR, and Mr. DAVIS of Illinois.
H.R. 2074: Mr. KENNEDY.
H.R. 2075: Mr. CRAMER and Ms. WATSON.
H.R. 2091: Mr. MURTHA and Mrs. CAPITO.
H.R. 2108: Mr. WAXMAN.
H.R. 2111: Mr. BLUMENAUER, Mr. WYNN, Ms. MATSUI, Mr. FARR, Mr. SIRES, and Mr. HASTINGS of Florida.
H.R. 2129: Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. KAPTUR, and Mr. MCDERMOTT.
H.R. 2134: Mr. WILSON of South Carolina, Mr. HERGER, Mr. KLINE of Minnesota, and Mr. DOOLITTLE.
H.R. 2136: Mr. HARE and Ms. CARSON.
H.R. 2137: Mr. CAMP of Michigan.
H.R. 2138: Mr. UDALL of Colorado, Mr. WALBERG, Mr. SOUDER, and Mr. MCCAUL of Texas.
H.R. 2144: Mr. WYNN.
H.R. 2146: Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. DOGGETT, Ms. CLARKE, Mr. MCDERMOTT, Ms. CARSON, Ms. KAPTUR, Mr. WYNN, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. FILNER, and Mr. SCOTT of Virginia.
H.R. 2154: Mr. MARSHALL.
H.R. 2164: Mr. UPTON and Ms. BERKLEY.
H.R. 2169: Mr. NEAL of Massachusetts and Mr. DAVIS of Illinois.
H.R. 2185: Mr. WELLER.
H.R. 2191: Ms. FALLIN.
H.R. 2215: Ms. BALDWIN, Mr. REICHERT, Mr. MCDERMOTT, Mr. ALLEN, and Mr. COHEN.
H.R. 2221: Mr. SIRES, Mrs. LOWEY, and Mr. PASTOR.
H.R. 2239: Ms. SHEA-PORTER.
H.R. 2253: Mr. BARTLETT of Maryland, Mrs. DRAKE, Mr. GOODE, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. BUCHANAN, and Mr. CONAWAY.
H.R. 2264: Mr. KAGEN, Mr. HILL, and Mr. COHEN.
H.R. 2265: Mr. MCGOVERN, Ms. CLARKE, and Ms. VELÁZQUEZ.
H.R. 2268: Mr. Lincoln DIAZ-BALART of Florida, Mr. GERLACH, Mr. PUTNAM, Mr. CULBERSON, Mr. JOHNSON of Georgia, and Mr. ADERHOLT.
H.R. 2270: Mr. LARSEN of Washington.
H.R. 2291: Mr. MCCAUL of Texas, Mr. JONES of North Carolina, Ms. FOXX, Mr. TURNER, and Mr. THOMPSON of Mississippi.
H.R. 2295: Ms. HOOLEY, Ms. SHEA-PORTER, Mr. WATT, Mr. SESSIONS, Mrs. SCHMIDT, Mr. WELLER, Mr. RAMSTAD, Mr. KING of New York, Mr. HOEKSTRA, Mr. JINDAL, Mr. DEFAZIO, Mr. PETERSON of Pennsylvania, Mr. TAYLOR, Mr. ALTMIRE, Mr. ISRAEL, Mr. FRELINGHUYSEN, Mr. OBERSTAR, Ms. WASSERMAN SCHULTZ, Mr. SKELTON, Mr. BONNER, Ms. SLAUGHTER, Mr. FARR, Mr. KUCINICH, Mr. CHANDLER, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. DOOLITTLE, Mr. PAYNE, Mrs. BIGGERT, Mr. MILLER of North Carolina, Mr. SCHIFF, and Mr. KELLER.
H.R. 2303: Mr. HINCHEY.
H.R. 2305: Mr. WELLER.
H.R. 2312: Mr. BONNER, Mr. SIMPSON, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. HERGER, Mr. SENSENBRENNER, Mr. MACK, and Mr. SESSIONS.
H.R. 2313: Mr. ROHRABACHER, Mr. INSLEE, and Mr. MCDERMOTT.
H.R. 2329: Mr. MCCOTTER, Mr. BARTLETT of Maryland, Mr. RAMSTAD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. COHEN, Mr. MCCARTHY of California, and Mrs. MALONEY of New York.
H.R. 2331: Mr. BOREN.
H. Con. Res. 21: Mr. BROWN of South Carolina.
H. Con. Res. 85: Mrs. DRAKE, Mr. SESSIONS, Mr. ALTMIRE, and Ms. SCHAKOWSKY.
H. Con. Res. 113: Mr. ALTMIRE.
H. Con. Res. 130: Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. BORDALLO, Mr. STARK, Mr. MORAN of Virginia, Ms. SUTTON, Mr. GORDON, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Mr. NADLER, Ms. SHEA-PORTER, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. ELLISON.
H. Con. Res. 137: Mr. CULBERSON, Mr. MCNULTY, and Mr. KING of New York.
H. Con. Res. 138: Mr. HOLDEN and Mrs. MCCARTHY of New York.
H. Con. Res. 144: Ms. MCCOLLUM of Minnesota.
H. Res. 121: Ms. HARMAN, Mr. GERLACH, Ms. LORETTA SANCHEZ of California, Mr. MCNERNEY, and Mr. ARCURI.

H. Res. 146: Mr. WYNN.

H. Res. 154: Mr. BISHOP of Georgia, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. TOWNS, and Ms. WATSON.

H. Res. 186: Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. DONNELLY, and Mr. DELAHUNT.

H. Res. 226: Ms. NORTON, Mr. ROTHMAN, Mrs. MALONEY of New York, and Mr. MCNULTY.

H. Res. 227: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 249: Mr. RADANOVICH.

H. Res. 251: Mr. SNYDER, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. BAKER, Mr. MCCRERY, and Mr. CONYERS.

H. Res. 258: Mr. MARSHALL and Mr. WYNN.

H. Res. 268: Mr. SCOTT of Georgia.

H. Res. 281: Mr. POMEROY and Mr. WYNN.

H. Res. 282: Mr. HILL, Mr. GILLMOR, Mr. KILDEE, Mr. MORAN of Virginia, Mr. SPRATT, Mr. CRAMER, Ms. SLAUGHTER, and Mr. HODES.

H. Res. 353: Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, and Mr. WYNN.

H. Res. 369: Mr. KENNEDY.

H. Res. 384: Mr. SHIMKUS, Mr. RADANOVICH, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BONNER, Mr. CANTOR, Mr. LAHOOD, and Mr. HULSHOF.

H. Res. 397: Mr. BERMAN.

H. Res. 402: Mr. INGLIS of South Carolina, Mr. MELANCON, and Mr. PAUL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1427

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 3: Page 139, strike lines 22 through 25 and insert the following:

''(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

''(i) completed a program''.

Page 140, after line 3, insert the following:

''(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and''.

H.R. 1427

OFFERED BY: MS. BEAN

AMENDMENT NO. 4: Page 60, line 2, after ''posed'' insert ''to the enterprises''.

H.R. 1427

OFFERED BY: MR. AL GREEN OF TEXAS

AMENDMENT NO. 5: Page 130, strike lines 6 through 11 and insert the following:

''(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 45 percent.

''(ii) The allocation percentage for the Mississippi Development Authority shall be 18.333 percent.

''(iii) The allocation percentage for the Alabama Housing Finance Authority shall be 18.333 percent.

''(iv) The allocation for the Texas Department of Housing and Community Affairs shall be 18.333 percent.''.

Page 149, lines 16 and 17, strike ''and the Mississippi Development Authority'' and insert the following: '', the Mississippi Development Authority, the Alabama Housing Finance Authority, and the Texas Department of Housing and Community Affairs''.

H.R. 1427

OFFERED BY: MR. TERRY

AMENDMENT NO. 6: Page 303, line 4, strike ''and''.

Page 303, after line 4, insert the following:

(B) in the first sentence, by inserting after ''less than one'' the following: ''or two, as determined by the board of directors of the appropriate Federal home loan bank,''; and

Page 303, line 5, strike ''(B)'' and insert ''(C)''.

H.R. 1427

OFFERED BY: MR. DONNELLY

AMENDMENT NO. 7: Page 140, line 3, before the semicolon insert the following: '', except that entities providing such counseling shall not discriminate against any particular form of housing''.

H.R. 1427

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 8: Page 144, after line 19, insert the following:

''(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

''(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

''(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

''(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

''(ii) PASSPORT.—A passport issued by the United States or a foreign government.

''(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

''(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).''.

H.R. 1427

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 9: Strike line 21 on page 128 and all that follows through line 7 on page 129, and insert the following:

''(2) REQUIREMENTS FOR CONTRIBUTIONS.—

''(A) TIMING.—An enterprise shall not be required to make an allocation for a year pursuant to paragraph (1) unless the Director, pursuant to the study under paragraph (2) for such year, makes a determination that such allocation by the enterprise for the year—

''(i) will not contribute to the financial instability of the enterprise or impair the safe and sound operation of the enterprise;

''(ii) will not cause the enterprise to be classified as undercapitalized;

''(iii) will not prevent the enterprise from successfully completing a capital restoration plan under section 1369C; and

''(iv) will not result in increased costs to borrowers under residential mortgages.

''(B) STUDY.—The Director shall, for each year referred to in paragraph (1)—

''(i) conduct a study to determine the effects on each enterprise of making allocations in such year under such paragraph; and

''(ii) submit to the Congress a report containing the findings of such study and the determinations of the Secretary regarding the issues set forth in clauses (i) through (iv) of subparagraph (A).''.

H.R. 1427

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 10: Page 100, after line 17, insert the following new section:

SEC. 136. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

''SEC. 1330. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

''(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

''(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b); and

''(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b).

''(b) DISCLOSURE REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that, before or at settlement on the mortgage, the mortgagor is provided a written disclosure in such form as the Director shall require, clearly stating the dollar amount by which the requirements on the enterprises to make allocations under section 1337(b) to the affordable housing fund established under section 1337(a), if borne by mortgagors on a pro rata basis, could have increased the amount to be paid under the mortgage by the mortgagor over the entire term of the mortgage (in comparison with such amount paid absent such requirements), as determined in accordance with the determination of the Director pursuant to section 1337(o) for the applicable year.''.

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) PROHIBITION REGARDING DISCLOSURE REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

''(d) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

Page 144, after line 19, insert the following:

''(8) USE OF AMOUNTS FOR COSTS OF REQUIRED MORTGAGE DISCLOSURES.—Of the amount allocated pursuant to subsection (b) in each year to the affordable housing fund, the Director shall set aside the amount necessary to cover any costs to lenders, mortgagees, and other entities of making disclosures required under section 1330, and shall use such amounts to reimburse lenders, mortgagees, and other entities for such costs. The Director shall by regulation provide for lenders, mortgagees, and other entities to apply for such reimbursements and to identify such costs.''.

Page 153, after line 14, insert the following:

''(o) DETERMINATION OF COST INCREASES.—For each year referred to in section 1337(b)(1), the Director shall make a determination, taking into account the results of the study conducted pursuant to section 139(d) of the Federal Housing Finance Reform Act of 2007, if available, and the amount of allocations made under section subsection (b) of this section to the affordable housing fund established under subsection (a), of the amount by which the requirements on the enterprises to make such allocations have increased the amount to be paid by mortgagors under mortgages for one- to four-family residences over the entire terms of such mortgages in comparison with such amount to be paid absent such requirements, expressed as an increased cost per $1,000 financed under a mortgage. The Director shall make such determination for each such year publicly available and shall provide for dissemination of such determination to lenders, mortgagees, and other entities incurring costs of making disclosures required under section 1330.''.

Page 153, line 15, strike ''(o)'' and insert ''(p)''.

H.R. 1427

OFFERED BY: MR. BLUNT

AMENDMENT NO. 11: Page 154, line 6, strike the closing quotation marks and the last period.

Page 154, after line 6, insert the following:

''(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.''.

H.R. 1427

OFFERED BY: MR. BACHUS

AMENDMENT NO. 12: Page 94, strike lines 8 and 9.

Page 98, strike ''helpful'' in line 20 and all that follows through line 22, and insert ''for''.

Strike line 4 on page 127 and all that follows through line 7 on page 156.

Page 156, lines 11 and 12, strike ''adding after section 1337, as added by section 139 of this Act,'' and insert ''striking sections 1337 and 1338 and inserting''.

Page 156, line 14, strike ''**SEC. 1338.**'' and insert ''**SEC. 1337.**''.

Page 261, line 17, strike ''or 1337''.

Page 268, line 10, strike ''or 1337''.

Page 318, strike ''The study'' in line 17 and all that follows through ''this Act.'' in line 20.

H.R. 1427

OFFERED BY: MRS. DAVIS OF CALIFORNIA

AMENDMENT NO. 13: Page 88, line 10, after the first period insert the following: ''Such foregoing limitations, as increased pursuant to the preceding sentence, shall for purposes of section 3703(a)(1) of title 38, United States Code be considered as the Freddie Mac conforming loan limit limitation determined under this paragraph with respect to the applicable areas, mortgages, and property sizes.''

H.R. 1427

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 14: Page 156, line 4, after ''Congress'' insert ''and the Director of the Federal Housing Finance Agency''.

Page 156, after line 4, insert the following new subsection:

(e) DETERMINATION AND SUSPENSION OF ALLOCATIONS.—Not later than the expiration of the 3-month period that begins upon the expiration of the period referred to in subsection (d), the Director of the Federal Housing Finance Agency shall review the report submitted pursuant to such subsection and shall make an independent determination of whether the requirement under section 1337(b) of the Housing and Community Development Act of 1992 (as added by the amendment made by subsection (a) of this section) that the enterprises make allocations to the affordable housing fund established under section 1337(a) of such Act—

(1) will decrease the availability or affordability of credit for homebuyers of one- to four-family residences; or

(2) will increase the costs, to homebuyers, involved in purchasing such residences.

If the Director determines that such requirement will decrease such availability or affordability, or will increase the costs of purchasing such residences, notwithstanding such section 1337(b) or any other provision of law, the requirement under such section to allocate amounts to the affordable housing fund shall not apply, and shall not have any force or effect, with respect to the year in which such determination is made or any year thereafter.

H.R. 1427

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 15: Strike line 22 on page 290 and all that follows through line 4 on page 293, and insert the following:

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking ''eighteen persons,'' and inserting ''not less than 7 and not more than 15 persons,''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 185 occurs.

(b) FREDDIE MAC—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2) is amended in subparagraph (A) by striking ''eighteen persons,'' and inserting ''not less than 7 and not more than 15 persons,''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the Board of Directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 185 occurs.

H.R. 1427

OFFERED BY: MR. FEENEY

AMENDMENT NO. 16: Line 16 on page 127, strike the dash and all that follows through line 10 on page 128 and insert the following: ''to provide housing assistance, in 2007, for areas affected by Hurricane Katrina or Rita of 2005 and, after 2007, to provide housing assistance for supported rental housing for disabled homeless veterans.''.

Page 130, lines 23 and 24, strike ''establish a formula to allocate'' and insert the following: ''provide for the allocation''.

Page 131, line, 1 insert ''of'' before ''the''.

Strike line 4 on page 131 and all that follows through line 2 on page 132 and insert the following: ''The funding shall be distributed to public entities and allocated based on the formula used for the Continuum of Care competition of the Department of Housing and Urban Development.''

Page 136, lines 7 through 9, strike ''For each year that a grantee receives affordable housing fund grant amounts, the grantee'' and insert ''Each grantee for 2007 that receives affordable housing fund grant amounts''.

Page 138, line 1, strike ''the'' and insert ''any''.

Page 138, line 5, before the period insert '', if applicable''.

Page 138, line 7, after ''grantee'' insert ''for 2007''.

Page 140, after line 6 insert the following: ''Affordable housing fund grant amounts of a grantee for any year after 2007 shall be eligible for use, or for commitment for use, only for rental housing voucher assistance in accordance with paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19).''.

Page 140, line 22, strike ''or''.

Page 140, line 25, after the semicolon insert ''or''.

Page 140, after line 25, insert the following:

''(E) administer voucher assistance described in the matter in subsection (g) after and below paragraph (3);''.

Page 142, line 3, strike ''each year'' and insert ''2007''.

Page 142, line 10, strike ''each year'' and insert ''2007''.

Page 147, line 20, before ''the manner'' insert ''for each grantee in 2007,''.

Page 151, line 15, before ''requirements'' insert ''with respect to affordable housing fund grant amounts for 2007,''.

Page 153, strike lines 1 through 3 and insert the following:

''(F) for the grantees for 2007, requirements and standards for establishment, by the grantees, of per-''.

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 17: Page 61, after line 4, insert the following new section:

SEC. 116. PORTFOLIO GUIDELINES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.), as amended by section 115, is further amended by adding at the end the following new section:

"SEC. 1369F. PORTFOLIO GUIDELINES.

''(a) AFFORDABLE HOUSING REQUIREMENT.—In order for the enterprises to meet their mission of providing for and promoting affordable housing, the Director shall require the enterprises to only hold, in their retained portfolios, mortgages and mortgage-backed securities that exclusively support affordable housing, and particularly mortgages extended to households having incomes below the median income for the area in which the property subject to the mortgage is located.

''(b) MORTGAGE-RELATED ASSETS LIMITATION.—The enterprises may purchase and retain mortgage-related assets only to the extent that the Director determines such actions are necessary for the enterprise to maintain a liquid secondary mortgage market in a manner that cannot be achieved through the activities described in subsection (a) and are consistent with the public interest.''.

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 18: Page 52, after line 22, insert the following new section:

SEC. 113. PROHIBITION ON LOBBYING USING FUNDS OF REGULATED ENTITIES.

Part 1 of subtitle A of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1319I. PROHIBITION ON LOBBYING USING FUNDS OF REGULATED ENTITIES.

''(a) TREATMENT OF REGULATED ENTITY FUNDS.—Any amounts of a regulated entity shall be subject to the same limitations applicable, under section 1913 of title 18, United States Code, to use of money appropriated by an enactment of Congress to influence a Member of Congress. Violations of this subsection shall constitute violations of section 1352(a) of title 31, United States Code.

''(b) CLARIFICATION REGARDING TREATMENT OF REGULATED ENTITY OFFICERS AND EMPLOYEES.—A director, officer, employee, or controlling stockholder of, or agent for, a regulated entity shall not be considered an officer or employee of the United States or of its departments or agencies for purposes of subsection (a).''.

H.R. 1427

OFFERED BY: MR. DOOLITTLE

AMENDMENT NO. 19: Page 100, after line 17, insert the following new section:

SEC. 136. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

''(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

''(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

''(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

''(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.''.

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

''(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

H.R. 1427

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 20: Page 154, line 3, after the period insert the following: ''Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6).''.

H.R. 1427

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 21: Page 140, line 3, before the semicolon insert the following: ''; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if (i) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive, and (ii) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling''.

H.R. 1427

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 22: Page 300, line 24, strike '', and'' and insert the following: ''. The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed''.

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 22: Page 129, after line 22, insert the following:

''(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from—

''(A) treating the costs to the enterprise of making the allocations required under paragraph (1) as a regular business expense of the enterprise; and

''(B) redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.''.

H.R. 1427

OFFERED BY: MR. GARRETT

AMENDMENT NO. 24: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Housing Finance Reform Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Federal Housing Enterprise Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of income and charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 111. Regulations and orders.
Sec. 112. Non-waiver of privileges.
Sec. 113. Risk-Based capital requirements.
Sec. 114. Minimum and critical capital levels.
Sec. 115. Review of and authority over enterprise assets and liabilities.
Sec. 116. Corporate governance of enterprises.
Sec. 117. Required registration under Securities Exchange Act of 1934.
Sec. 118. Liaison with Financial Institutions Examination Council.
Sec. 119. Guarantee fee study.
Sec. 120. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 131. Transfer of product approval and housing goal oversight.

Sec. 132. Review of enterprise products.
Sec. 133. Conforming loan limits.
Sec. 134. Annual housing report regarding regulated entities.
Sec. 135. Annual reports by regulated entities on affordable housing stock.
Sec. 136. Revision of housing goals.
Sec. 137. Duty to serve underserved markets.
Sec. 138. Monitoring and enforcing compliance with housing goals.
Sec. 139. Affordable Housing Fund.
Sec. 140. Consistency with mission.
Sec. 141. Enforcement.
Sec. 142. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 151. Capital classifications.
Sec. 152. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 153. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 154. Authority over critically undercapitalized regulated entities.
Sec. 155. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.
Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Boards of enterprises.
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Sec. 321. Abolishment of the Federal Housing Finance Board.
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Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
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Subtitle C—Department of Housing and Urban Development

Sec. 341. Termination of enterprise-related functions.
Sec. 342. Continuation and coordination of certain regulations.
Sec. 343. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking ''an enterprise'' and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears (except in paragraphs (4) and (18)) and inserting ''the regulated entity'';

(3) in paragraph (5), by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(4) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(5) in paragraph (13), by inserting '', with respect to an enterprise,'' after ''means'';

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

''(18) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) each Federal home loan bank.

''(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

''(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.''.

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

''(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.'';

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.''.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration

of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

''(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

''(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

''(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.''.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Act, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

''(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

''(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

''(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

''SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(4) management of interest rate risk exposure;

''(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(6) adequacy and maintenance of liquidity and reserves;

''(7) management of any asset and investment portfolio;

''(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

''(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

''(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

''(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

''(12) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 103. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Act, the following new section:

''SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 5 members, of whom—

''(1) one member shall be the Secretary of the Treasury;

''(2) one member shall be the Secretary of Housing and Urban Development;

''(3) one member shall be the Director, who shall serve as the Chairperson of the Board; and

''(4) two members, who shall be appointed by the President, by and with the advise and consent of the Senate, who are experts or experienced in the field of financial services, housing finance, affordable housing, or mortgage lending.

The members pursuant to paragraph (4) shall be appointed for a term of four years. The Board may not, at any time, have more than three members of the same political party.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

''(4) an assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their missions;

''(5) operations, resources, and performance of the Agency;

''(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

''(7) such other matters relating to the Agency and its fulfillment of its mission.''.

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION'' and inserting ''REGULAR AND SPECIAL REPORTS'';

(B) in paragraph (1)—

(i) in the paragraph heading, by striking ''FINANCIAL CONDITION'' and inserting ''REGULAR REPORTS''; and

(ii) by striking ''reports of financial condition and operations'' and inserting ''regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(C) in paragraph (2), after ''submit special reports'' insert ''on any of the topics specified in paragraph (1) or such other topics''; and

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

''(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

''(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

''(2) PROTECTION FROM LIABILITY FOR REPORTS.—

''(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

''(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

''(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.''.

SEC. 105. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

''(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

''(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise

to submit a report annually, in a format designated by the Director, containing the following information:

''(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

''(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

''(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

''(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

''(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

''(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

''(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

''(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.''.

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

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

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Reform Act of 2007.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ENTERPRISES'' and inserting ''REGULATED ENTITIES'' ;

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking ''Each enterprise'' and inserting ''Each regulated entity'';

(ii) by striking ''each enterprise'' and inserting ''each regulated entity''; and

(iii) by striking ''both enterprises'' and inserting ''all of the regulated entities''; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

''(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

''(A) ENTERPRISES.—With respect to an enterprise, the sum of—''; and

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

''(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.'';

(3) by striking subsection (c) and inserting the following new subsection:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: ''Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate''; and

(3) in subsection (c)—

(A) in the second sentence, by inserting ''to conduct examinations under this section'' before the period; and

(B) in the third sentence, by striking ''from amounts available in the Federal Housing Enterprises Oversight Fund''.

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

''(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

''(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.''.

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: ''EXAMINATIONS AND GAO AUDITS'';

(2) in the third sentence, by striking ''the Board and'' each place such term appears; and

(3) by striking the first two sentences and inserting the following: ''The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).''.

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(1) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 1319. REVIEWS OF REGULATED ENTITIES.''; and

(2) by striking ''is a nationally recognized'' and all that follows through ''1934'' and inserting the following: ''the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization''.

SEC. 110. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking ''**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**'' and inserting ''**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**'';

(2) in subsection (a), by striking ''(a) IN GENERAL.—Each enterprise'' and inserting ''(e) OUTREACH.—Each regulated entity''; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

''(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

''(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

''(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

''(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.''; and

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

''(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

''(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

''(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

''(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

''(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.''.

SEC. 111. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

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

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.'';

(2) in subsection (b), by inserting '', this title, or any of the authorizing statutes'' after ''under this section''; and

(3) by striking subsection (c).

SEC. 112. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

''SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

''(a) IN GENERAL.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

''(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

''(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

''(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.''.

SEC. 113. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

''SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

''(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

''(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

''(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

''(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 114. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

''(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

''(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

''(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.''.

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

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

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 115. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities'';

and

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

''SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

''(1) the size or growth of the mortgage market;

''(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

''(3) the need for an inventory of mortgages in connection with securitizations;

''(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

''(5) the liquidity needs of the enterprises;

''(6) any potential risks posed by the nature of the portfolio holdings; and

''(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 116. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

''(a) BOARD OF DIRECTORS.—

''(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

''(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

''(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

''(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

''(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

''(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

''(b) COMMITTEES OF BOARDS OF DIRECTORS.—

''(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

''(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

''(A) Audit committee.

''(B) Compensation committee.

''(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

''(A) shall not be in excess of that which is reasonable and appropriate;

''(B) shall be commensurate with the duties and responsibilities of such persons;

''(C) shall be consistent with the long-term goals of the enterprise;

''(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

''(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

''(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

''(d) CODE OF CONDUCT AND ETHICS.—

''(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

''(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

''(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors

of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

''(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

''(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

''(3) Compensation programs of the enterprise.

''(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

''(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

''(6) Extensions of credit to board members and executive officers.

''(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

''(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

''(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

''(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

''(i) COMPLIANCE PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

''(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

''(j) RISK MANAGEMENT PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

''(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

''(k) COMPLIANCE WITH OTHER LAWS.—

''(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

''(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

''(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

''(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 C.F.R. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.''.

SEC. 117. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following new section:

''SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

''(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

''(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.''.

SEC. 118. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after ''STATE'' the following: ''AND FEDERAL HOUSING FINANCE AGENCY''; and

(2) by inserting after ''financial institutions'' the following: '', and one representative of the Federal Housing Finance Agency,''.

SEC. 119. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 120. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking ''an enterprise'' each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears in such part (except in section 1316(b)(3)) and inserting ''the regulated entity'';

(3) by striking ''the enterprises'' each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting ''the regulated entities'';

(4) by striking ''each enterprise'' each place such term appears in such part and inserting ''each regulated entity'';

(5) by striking ''Office'' each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4),

(g), and (h), 1317(c), and 1319A(a)) and inserting ''Agency'';

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''OFFICE PERSONNEL'' and inserting ''IN GENERAL''; and

(ii) by striking ''The'' and inserting ''Subject to title III of the Federal Housing Finance Reform Act of 2007, the'';

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows ''United States Code'' and inserting '', the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services''; and

(B) in subsection (m)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in subsection (n), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services'';

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking ''1316(c)'' and inserting ''306(c)''; and

(B) by striking ''section 106'' and inserting ''section 1316''; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(B) in subsection (f), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

Subtitle B—Improvement of Mission Supervision

SEC. 131. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

''PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS'';

and

(2) by striking sections 1321 and 1322.

SEC. 132. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest;

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

''(5) the product does not materially impair the efficiency of the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

''(d) EXPEDITED REVIEW.—

''(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

''(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

''(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

''(A) the Director shall notify the enterprise of the determination;

''(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

''(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

''(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

''(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2007, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

''(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

''(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(A) by striking paragraph (17) (relating to the definition of ''new program'') ; and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 133. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(A) in the 4th sentence, by striking ''the Resolution Trust Corporation,''; and

(B) by striking the 7th and 8th sentences and inserting the following new sentences: ''For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).''.

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation.''.

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(A) in the 3rd sentence, by striking ''the Resolution Trust Corporation,''; and

(B) by striking the 6th and 7th sentences and inserting the following new sentences: ''For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).''

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation.''.

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Act) is amended by inserting after section 1321 (as added by section 132 of this Act) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

''(b) GAO AUDIT.—

''(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

''(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

''(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

''(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

''(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Act.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.—If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term ''conforming loan limits for high-cost areas'' means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

SEC. 134. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

''(b) CONTENTS.—The report shall—

''(1) discuss the extent to which—

''(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

''(B) each enterprise is complying with section 1337;

''(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

''(D) each regulated entity is achieving the purposes of the regulated entity established by law;

''(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) examine actions that—

''(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

''(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

''(5) examine the primary and secondary multifamily housing mortgage markets and describe—

''(A) the availability and liquidity of mortgage credit;

''(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

''(C) any factors inhibiting such standardization and securitization;

''(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

''(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

''(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

''(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 134(b) of the Federal Housing Finance Reform Act of 2007) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

''(B) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 135. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

"SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

''(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

''(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

''(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

''(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

''(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

''(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

''(C) the number of new affordable dwelling units placed in service; and

''(D) the number of affordable housing dwelling units withdrawn from service;

''(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

''(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

''(5) such other information as the Director may require.

''(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

''(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.''.

SEC. 136. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

''(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

''(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

''(b) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

''(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

''(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

''(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

''(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

''(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

''(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

''(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

''(1) Low-income families.

''(2) Families that reside in low-income areas.

''(3) Very low-income families.

''(b) REFINANCE SUBGOAL.—

''(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

''(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

''(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

''(d) ANNUAL TARGETS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

''(2) AUTHORITY TO INCREASE TARGETS.—

''(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

''(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

''(i) National housing needs.

''(ii) Economic, housing, and demographic conditions.

''(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

''(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

''(v) The ability of the enterprise to lead the industry in making mortgage credit available.

''(vi) The need to maintain the sound financial condition of the enterprises.

''(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

''(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

''(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

''(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

''SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

''(A) Mortgages that finance dwelling units for low-income families.

''(B) Mortgages that finance dwelling units for very low-income families.

''(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

''(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

''(E) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

''(1) are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

''(1) the income of the prospective or actual tenants of the property, where such data are available; or

''(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.''.

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (22) (relating to the definition of ''very low-income''), by striking ''60 percent'' each place such term appears and inserting ''50 percent'';

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

''(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.''.

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

''(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.'';

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

''(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.'';

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

''(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.''.

SEC. 137. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''**DUTY TO SERVE UNDERSERVED MARKETS AND**'' before ''**OTHER**'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.''; and

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

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

''(C) the volume of loans purchased in each of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 138. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting '', except as provided in paragraph (4),'' after ''which''; and

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

''(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

''(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

''(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''PRELIMINARY'' before ''DETERMINATION'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''finally'' before ''determining'';

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

''(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

''(ii) shorten the period under subparagraph (A) for good cause.''; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking ''determine'' and inserting ''issue a final determination of'';

(ii) in subparagraph (B), by inserting ''final'' before ''determinations''; and

(iii) in subparagraph (C)—

(I) by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''; and

(II) by inserting ''final'' before ''determination'' each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.'';

(B) in paragraph (2)—

(i) by striking ''CONTENTS.—Each housing plan'' and inserting ''HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan''; and

(ii) in subparagraph (B), by inserting ''and changes in its operations'' after ''improvements'';

(C) in paragraph (3)—

(i) by inserting ''comply with any remedial action or'' before ''submit a housing plan''; and

(ii) by striking ''under subsection (b)(3) that a housing plan is required'';

(D) in paragraph (4), by striking the first two sentences and inserting the following: ''The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary.''; and

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

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.''.

SEC. 139. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

''SEC. 1337. AFFORDABLE HOUSING FUND.

''(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

''(1) to increase homeownership for extremely low-and very low-income families;

''(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

''(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

''(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

''(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

''(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

''(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2007 through 2011, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

''(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

''(A) are contributing, or would contribute, to the financial instability of the enterprise;

''(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(3) 5-YEAR SUNSET AND REPORT.—

''(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

''(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

''(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

''(1) ALLOCATION FOR 2007.—

''(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2007 for the grantees under this section for such year shall be as follows:

''(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

''(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

''(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2007 shall be used

only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

''(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2007, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

''(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

''(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

''(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

''(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

''(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

''(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

''(G) Any other factors that the Secretary determines to be appropriate.

''(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2007, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

''(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

''(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

''(A) for 2007, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

''(B) for any other year referred to in subsection (b)(1) (other than 2007), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

''(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

''(3) GRANT AMOUNT.—

''(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

''(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

''(i) except as provided in clause (ii)—

''(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

''(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

''(e) GRANTEE ALLOCATION PLANS.—

''(1) IN GENERAL.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

''(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

''(B) complies with subsection (f); and

''(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

''(2) ESTABLISHMENT.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

''(3) CONTENTS.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

''(A) a description of the eligible activities to be conducted using such assistance; and

''(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(f) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

''(1) are eligible under subsection (g) for such use;

''(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

''(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

''(g) ELIGIBLE ACTIVITIES.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

''(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

''(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

''(A) is available for purchase only for use as a principal residence by families that qualify both as—

''(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

''(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; and

''(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

''(h) ELIGIBLE RECIPIENTS.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

''(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

''(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(B) design, construct or rehabilitate, and market affordable housing for homeownership;

''(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

''(D) construct related public infrastructure development activities in connection with such housing activities;

''(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

''(i) LIMITATIONS ON USE.—

''(1) REQUIRED AMOUNT FOR REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

''(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

''(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

''(4) DEADLINE FOR COMMITMENT OR USE.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

''(5) USE OF RETURNS.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

''(6) PROHIBITED USES.—The Director shall—

''(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

''(i) political activities;

''(ii) advocacy;

''(iii) lobbying, whether directly or through other parties;

''(iv) counseling services;

''(v) travel expenses; and

''(vi) preparing or providing advice on tax returns;

''(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

''(i) the grantee; or

''(ii) any recipient of such grant amounts; and

''(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

''(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(j) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Director shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and—

''(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

''(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

''(I) made by the Director; or

''(II)(aa) made by the grantee;

''(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

''(cc) the Director does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

''(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

''(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

''(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

''(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

''(2) GRANTEE.—The term 'grantee' means—

''(A) with respect to 2007, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

''(B) with respect to the years referred to in subsection (b)(1), other than 2007, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

''(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

''(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

''(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(m) REGULATIONS.—

''(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

''(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

''(i) greatest impact;

''(ii) geographic diversity;

''(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

''(vi) the extent to which the application makes use of other funding sources; and

''(vii) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

''(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

''(F) requirements and standards for establishment, by grantees (including the grantees for 2007 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

''(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of this Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.''.

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 185 of this Act, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.''.

(d) GAO REPORT.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 140. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 139 of this Act, the following new section:

''SEC. 1338. CONSISTENCY WITH MISSION.

''This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 141. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

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

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

''(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).'';

(2) in subsection (b)(2), by striking ''requiring the enterprise to'' and all that follows through the end of the paragraph and inserting the following: ''requiring the enterprise to—

''(A) comply with the goal or goals;

''(B) submit a report under section 1314;

''(C) comply with any provision this part or any order, rule or regulation under such part;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with a housing plan submitted under section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.'';

(3) in subsection (c), by inserting ''date of the'' before ''service of the order''; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''.

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with

the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of this part or any order, rule or regulation under this part;

''(5) submit a housing plan pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: ''In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.'';

(3) in the first sentence of subsection (d)—

(A) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(B) by inserting '', or request that the Attorney General of the United States bring such an action'' before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

SEC. 142. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place such term appears in such part and inserting ''Director'';

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting ''**OF ENTERPRISES**'' before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 135) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking ''Secretary's'' each place such term appears and inserting ''Director's''; and

(7) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 151. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking ''**IN GENERAL**'' and inserting ''**ENTERPRISES**''.

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal home loan banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 152. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by inserting at the end the following new paragraphs:

''(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the plan; and

''(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the

entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this section.'';

(3) in the subsection heading for subsection (b), by striking ''FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED''; and

(4) by striking subsection (c) and inserting the following new subsection:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 153. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) in subsection (a)(2)(A), by striking ''enterprise'' the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY ACTIONS'' and inserting ''SPECIFIC ACTIONS''.

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, one or more'';

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

''(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(E) by inserting at the end the following new paragraph:

''(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.'';

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.''.

SEC. 154. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

''(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

''(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

''(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

''(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

''(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

''(iv) preserve and conserve the assets and property of such regulated entity.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

''(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

''(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

''(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

''(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

''(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

''(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of

the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

''(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as

conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

''(C) Any obligation subordinated to general creditors.

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

''(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee,

the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities

Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable non-insolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—If—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

''(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This paragraph shall—

''(I) not apply to a director's or officer's liability insurance contract;

''(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

''(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

''(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

''(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity, or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER.—

''(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

''(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

''(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

''(9) POWERS.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity; and

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

''(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(iii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

''(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

''(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

''(i) with priority over any or all administrative expenses;

''(ii) secured by a lien on property that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

''(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

''(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

''(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain

credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

''(12) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

''(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

''(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

''(C) take any other action not inconsistent with this section.

''(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

''(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.''.

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

''SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

''Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.''.

SEC. 155. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Act, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 154 of this Act—

(A) by striking ''An enterprise'' each place such term appears and inserting ''A regulated entity'';

(B) by striking ''an enterprise'' each place such term appears and inserting ''a regulated entity''; and

(C) by striking ''the enterprise'' each place such term appears and inserting ''the regulated entity'';

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking ''section 1369 (excluding subsection (a)(1) and (2))'' and inserting ''section 1367''; and

(B) in subsection (d), by striking ''the enterprises'' and inserting ''the regulated entities'';

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services'';

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking ''activities (including existing and new programs)'' and inserting ''activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))''; and

(B) in subsection (c), by striking ''any enterprise'' and inserting ''any regulated entity''; and

(5) in subsections (a) and (d) of section 1369D, by striking ''section 1366 or 1367 or action under section 1369)'' each place such phrase appears and inserting ''section 1367)''.

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.'';

(2) in subsection (c)(2), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party''; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(B) in paragraph (1)—

(i) by striking ''an executive officer or a director'' and inserting ''a regulated entity affiliated party''; and

(ii) by inserting ''(including reimbursement of compensation under section 1318)'' after ''reimbursement'';

(C) in paragraph (6), by striking ''and'' at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

''(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and''.

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

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

''(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order

may include any requirement authorized under section 1371(d).'';

(2) in subsection (b), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(3) in subsection (d)—

(A) by striking ''An enterprise, executive officer, or director'' and inserting ''A regulated entity or regulated entity-affiliated party''; and

(B) by striking ''the enterprise, executive officer, or director'' and inserting ''the regulated entity or regulated entity-affiliated party''; and

(4) by striking subsection (e) and in inserting the following new subsection:

''(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.''.

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

''SEC. 1375A. PREJUDGMENT ATTACHMENT.

''(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

''(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

''(2) appoints a person on a temporary basis to administer the restraining order.

''(b) STANDARD.—

''(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.''.

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

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

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1376, or 1377''.

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking '', or any executive officer or director'' and inserting ''or any regulated-entity affiliated party''; and

(B) in paragraph (1)—

(i) by striking ''the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act'' and inserting ''any provision of any of the authorizing statutes'';

(ii) by striking ''or Act'' and inserting ''or statute'';

(iii) by striking ''or subsection'' and inserting '', subsection''; and

(iv) by inserting '', or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act'' before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

''(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director, shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

''(2) SECOND TIER.—Notwithstanding paragraph (1)—

''(A) if a regulated entity, or a regulated entity-affiliated party—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

''(A) knowingly—

''(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach, shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

''(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)(1)(B), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(4) in subsection (d), by striking the first sentence and inserting the following: ''If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action.''; and

(5) in subsection (g), by striking ''subsection (b)(3)'' and inserting ''this section, unless authorized by the Director by rule, regulation, or order''.

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

''(1) any regulated entity-affiliated party has, directly or indirectly—

''(A) violated—

''(i) any law or regulation;

''(ii) any cease-and-desist order which has become final;

''(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(iv) any written agreement between such regulated entity and the Director;

''(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

''(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

''(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

''(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

''(3) such violation, practice, or breach—

''(A) involves personal dishonesty on the part of such party; or

''(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

''(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(i) determines that such action is necessary for the protection of the regulated entity; and

''(ii) serves such party with written notice of the suspension order; and

''(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

''(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

''(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued by the Director to such party under subsection (a).

''(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as a regulated entity-affiliated party.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

''(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

''(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

''(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

''(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

''(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

''(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

''(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all

powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

''(i) HEARINGS AND JUDICIAL REVIEW.—

''(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

''(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

''(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.''.

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking ''section 1379B'' and inserting ''section 1379D''.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Act) the following new section:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 166(a)(1) of this Act, is further amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,'';

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''; and

(3) by striking ''or may, under the direction and control of the Attorney General, bring such an action''.

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this Act, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking ''that enterprise'' and inserting ''that regulated entity'';

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 166(a)(1) of this Act—

(A) by inserting '', or of a regulated entity-affiliated party,'' before ''shall not affect''; and

(B) by striking ''such director or executive officer'' each place such term appears and inserting ''such director, executive officer, or regulated entity-affiliated party'';

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 166(a)(1) of this Act, by inserting ''or against a regulated entity-affiliated party,'' before ''or impair'';

(4) by striking ''An enterprise'' each place such term appears in such subtitle and inserting ''A regulated entity'';

(5) by striking ''an enterprise'' each place such term appears in such subtitle and inserting ''a regulated entity'';

(6) by striking ''the enterprise'' each place such term appears in such subtitle and inserting ''the regulated entity''; and

(7) by striking ''any enterprise'' each place such term appears in such subtitle and inserting ''any regulated entity''.

Subtitle E—General Provisions

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''.

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking ''the Federal Housing Finance Board,''; and

(B) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''.

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

''(vii) The Federal Housing Finance Agency.''.

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking ''the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight'' and inserting ''and the Government National Mortgage Association''; and

(2) by striking '', the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight'' and inserting ''or the Government National Mortgage Association''.

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking ''the chairperson of the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.''.

SEC. 202. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

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

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

''(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

''(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board, and shall meet the following criteria:

''(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

''(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

''(C) OTHER DIRECTORS.—

''(i) QUALIFICATIONS.—Each independent director that is not a public interest director

under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

''(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

''(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).'';

(2) in the first sentence of subsection (b), by striking ''elective directorship'' and inserting ''member directorship established pursuant to subsection (a)(2)'';

(3) in subsection (c)—

(A) by striking ''elective'' each place such term appears and inserting ''member'', except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks''; and

(4) by striking ''elective'' each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking ''3 years'' and inserting ''4 years''; and

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Reform Act of 2007''; and

(ii) by striking ''1/3'' and inserting ''1/4''.

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this title under section 211, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking ''or the term of such office expires, whichever occurs first'';

(2) by adding at the end the following new sentence: ''An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.'';

(3) in the paragraph heading, by striking ''APPOINTED'' and inserting ''INDEPENDENT''; and

(4) by striking ''appointive'' each place such term appears and inserting ''independent''.

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking ''ELECTED'' and inserting ''MEMBER''; and

(2) by striking ''elective'' each place such term appears in the first and third sentences and inserting ''member''.

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

''(i) DIRECTORS' COMPENSATION.—

''(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

''(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.''.

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking ''BY THE BOARD'';

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking ''by formal resolution'';

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

''(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.'';

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the two commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director''; and

(ii) in the heading for paragraph (8), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR''; and

(B) in subsection (i), in the heading for paragraph (2), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR'';

(10) in section 23 (12 U.S.C. 1443), by striking ''Board of Directors of the Federal Housing Finance Board'' and inserting ''Director'';

(11) by striking ''the Board'' each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting ''the Director'';

(12) by striking ''The Board'' each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting ''The Director'';

(13) by striking ''the Board's'' each place such term appears in such Act and inserting ''the Director's'';

(14) by striking ''The Board's'' each place such term appears in such Act and inserting ''The Director's'';

(15) by striking ''the Finance Board'' each place such term appears in such Act and inserting ''the Director'';

(16) by striking ''Federal Housing Finance Board'' each place such term appears and inserting ''Director'';

(17) in section 11(i) (12 U.S.C. 1431(i), by striking ''the Chairperson of''; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking ''Chairperson of the''.

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

''(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.''.

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

''(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

''(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.''.

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Act.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting ''(a) REORGANIZATION.—'' before ''Whenever''; and

(2) by striking ''liquidated or'' each place such phrase appears;

(3) by striking ''liquidation or''; and

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

''(b) VOLUNTARY MERGERS.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.''.

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) ''exempted securities'' within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) ''government securities'' within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of ''government securities broker'' within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of ''government securities dealer'' within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) ''government securities'' within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities' '' before ''shall''.

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) SARBANES-OXLEY ACT OF 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting ''and the Director of the Federal Housing Finance Agency'' after ''Commission,''.

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 139 of this Act. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Act, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Act and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 301(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 301(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal

Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development

SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this subtitle, the term ''termination date'' means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term ''enterprise-related functions of the Department'' means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term ''enterprise-related employees of the Department'' means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary''), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the ''Department'') and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified,

terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

H.R. 1427

OFFERED BY: MR. DOOLITTLE

AMENDMENT NO. 25: Page 128, line 6, strike ''and''.

Page 128, line 10, strike the period and insert ''; and''.

Page 128, after line 10, insert the following:

''(6) to increase the investment in public infrastructure activities in counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).''.

Page 140, line 3, strike ''and''.

Page 140, line 6, strike the period and insert ''; and''.

Page 140, after line 6, insert the following:

''(4) public infrastructure activities, including activities to benefit the public safety, law enforcement, public education, and public lands, carried out only in counties which are determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).''.

Page 140, line 22, strike ''or''.

Page 140, line 25, after the semicolon insert ''or''.

Page 140, after line 25, insert the following:

''(E) in the case of an eligible activity under subsection (g)(4), administer such activities in counties described in such subsection, except that this subparagraph shall apply only to government agencies;''.

Page 144, after line 19, insert the following:

''(8) REQUIRED AMOUNT FOR CERTAIN PUBLIC INFRASTRUCTURE ACTIVITIES.—In the case of any grantee that is a State in which are located counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note), all of the affordable housing fund grant amounts provided for each year other than 2007 to such grantee shall be used for activities under paragraph (4) of subsection (g).''.

H.R. 1427

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 26: Page 93, after line 9, insert the following new section:

SEC. 134. CONSIDERATION OF LOCATION AND ENERGY EFFICIENCY IN ENTERPRISE UNDERWRITING GUIDELINES.

(a) FANNIE MAE.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following new paragraph:

''(7)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the corporation shall—

''(i) consider the location efficiency and energy efficiency of the residence;

''(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

''(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

''(B) For purposes of this paragraph, the following definitions shall apply:

''(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

''(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

''(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

''(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

''(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

''(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

''(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.''.

(b) FREDDIE MAC.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following new paragraph:

''(6)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the Corporation shall—

''(i) consider the location efficiency and energy efficiency of the residence;

''(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

''(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

''(B) For purposes of this paragraph, the following definitions shall apply:

''(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

''(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

''(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

''(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

''(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

''(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

''(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.''.

H.R. 1427

OFFERED BY: MR. ROSKAM

AMENDMENT NO. 27: Page 128, line 14, strike ''paragraph (2)'' and insert ''paragraphs (2) and (4)''.

Page 129, after line 22, insert the following new paragraph:

(4) LIMITING CONTRIBUTIONS TO AFFORDABLE HOUSING FUND WHEN THE GOVERNMENT HAS AN ON-BUDGET (EXCLUDING SOCIAL SECURITY) DEFICIT AND AN OFF-BUDGET (INCLUDING SOCIAL SECURITY) SURPLUS.—

(A) LIMITATION.—For any year referred to in paragraph (1) that immediately follows a fiscal year in which the Government has an actual on-budget deficit and an actual off-budget surplus, the amount of money required to be allocated to the affordable housing fund shall not exceed the amount allocated to such fund in the preceding year.

(B) DEFINITIONS.—For purposes of this paragraph:

(i) The term ''actual on-budget deficit'' means, with respect to a fiscal year, that for the fiscal year the total outlays of the Government, excluding outlays from Social Security programs, exceed the total receipts of the Government, excluding receipts from Social Security programs.

(ii) The term ''actual off-budget surplus'' means, with respect to a fiscal year, that for the fiscal year the receipts from Social Security programs exceed the outlays from Social Security programs.

(iii) The term ''Social Security programs'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

H.R. 1427

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 28: Page 141, line 9, strike ''and''.

Page 141, line 17, strike the period and insert ''; and''.

Page 141, after line 17, insert the following:

''(5) in the case of any recipient who is not a for-profit entity or a government agency or authority, the organization, agency, or entity—

''(A) has as its primary purpose the provision of affordable housing, as defined by the Director;

''(B) has made such assurances to the grantee as the Director shall, by regulation, require to ensure that such affordable housing fund grant amounts—

''(i) are used only to supplement, and to the extent practical, to increase the level of funds that would, in the absence of such affordable housing fund grant amounts, be made available from other sources for the recipient to carry out activities of the type that are eligible under subsection (g) for funding with affordable housing fund grant amounts; and

''(ii) are not in any case used so as to supplant any funds from other sources that are made available for such activities of the recipient; and

''(C) does not, at the time during the period that begins 12 months before submission of an application for funding from the affordable housing fund grant amounts of the grantee and ending upon the expiration of the period referred to in paragraph (4)—

''(i) engage in any Federal election activity, as such term is defined in paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), except that, notwithstanding the 120-day limitation in subparagraph (A)(i) of such paragraph, such term shall include voter registration activity during any period;

''(ii) make any expenditure for any electioneering communication (as such term is defined in section 304(f)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3));

''(iii) make any lobbying expenditure, (as such term is defined in such section 501(h)(2)), except that this clause shall not apply to any such expenditure by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under subsection (a) of such section 501, to the extent that such expenditure does not exceed the amount under such Code for which such exemption may be denied; or

''(iv) maintain any affiliation with any organization, agency, or other entity that does not comply with clauses (i), (ii), and (iii) of this subparagraph.

Page 141, before line 18, insert the following:

For purposes of this subsection:

''(I) A recipient organization, agency, or entity shall be considered to be affiliated with another entity, for purposes of subparagraph (C)(iv), if such recipient entity controls, is controlled by, or is under common control with such other entity.

''(II) The existence of any of the following relationships between a recipient entity and another entity shall indicate that control exists for purposes of clause (I):

''(aa) Iindividuals serve in a similar capacity as officers, executives, or staff of both the recipient entity and the other entity.

''(bb) The recipient entity and the other entity share office space, staff members, supplies, resources, or marketing materials, including Internet and other forms of public communication.

''(cc) The recipient entity receives more than 20 percent of its total funding from such other entity or provides more than 20 percent of the total funding of such other entity.

''(dd) The recipient entity or such other entity exhibits any other indicia of substantial overlap or common control as may be set forth in regulation by the Director.

''(III) The term 'for-profit entity' means any entity any part of the net earnings of which inure to the benefit of any private shareholder, member, founder, contributor, or individual.''.

H.R. 1427

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 29: Page 128, line 22, strike ''temporarily''.

Page 129, line 4, strike ''or''.

Page 129, line 7, strike the period and insert ''; or''.

Page 129, after line 7, insert the following:

''(D) are contributing to an increase in the cost of mortgages to homebuyers.''.

H.R. 1427

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 30: Page 153, line 14, after the period insert close quotation marks and a period.

Strike line 15 on page 153 and all that follows through line 6 on page 154.

H.R. 1427

OFFERED BY: MR. BAKER

AMENDMENT NO. 31: Page 23, line 16, strike ''5 members'' and insert ''3 members''.

Page 23, line 20, after the semicolon insert ''and''.

Page 23, line 22, strike ''; and'' and insert a period.

Strike line 23 on page 23 and all that follows through line 5 on page 24.

H.R. 1427

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 32: Strike line 23 on page 85 and all that follows through line 15 on page 86.

Strike line 19 on page 87 and all that follows through line 10 on page 88.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

H.R. 1427

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 33: Page 86, strike '', except that'' in line 9 and all that follows through ''corporation'' in lines 14 and 15.

Page 88, strike '', except that'' in line 4 and all that follows through ''Corporation'' in line 10.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

H.R. 1427

OFFERED BY: MR. BRADY OF TEXAS

AMENDMENT NO. 34: Page 130, line 8, strike ''75 percent'' and insert ''70 percent''.

Page 130, line 11, strike ''25 percent'' and insert ''20 percent''.

Page 130, after line 11, insert the following:

''(iii) The allocation percentage for the Texas Department of Housing and Community Affairs shall be 10 percent.''.

Page 130, line 19, after ''in connection with'' insert the following: ''(i) in the case of the grantees specified in clauses (i) and (ii) of subparagraph (A),''.

Page 130, line 20, before the period insert '', and (ii) in the case of the grantee specified in clause (iii) of subparagraph (A), Hurricane Rita of 2005''.

Page 149, line 16, strike ''and'' and insert a comma.

Page 149, line 17, before the semicolon insert the following: '', and the Texas Department of Housing and Community Affairs''.

H.R. 1427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 35: Page 144, after line 19, insert the following:

''(8) IDENTIFICATION AND EVIDENCE OF LAWFUL STATUS REQUIREMENTS FOR HOMEOWNERSHIP ASSISTANCE.—

''(A) REQUIRED IDENTIFICATION INFORMATION.—The Director shall, by regulation, provide that homeownership assistance described in subparagraph (D) may not be provided to, or on behalf of any individual unless the individual has, at a minimum, presented and had verified the information specified in section 202(c)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

''(B) REQUIRED EVIDENCE OF LAWFUL STATUS.—The Director shall, by regulation, provide that homeownership assistance described in subparagraph (D) may not be provided to, or on behalf of any individual unless there is valid documentary evidence that the individual has the status specified in section 202(c)(2)(B)(i) of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

''(C) OTHER INVALID FORMS OF IDENTIFICATION.—Matricula Consular cards and any other forms of identification not referred to in this paragraph shall not be valid forms of identity verification.

''(D) HOMEOWNERSHIP ASSISTANCE.—Homeownership assistance described in this subparagraph is occupancy in housing assisted, or homeownership assistance provided—

''(i) under subsection (g)(2); or

''(ii) from the affordable housing trust fund specified in subsection (o).''.

H.R. 1427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 36: Strike line 16 on page 50 and all that follows through line 11 on page 51 and insert the following:

''(f) AGENCY WORKFORCE.—The Agency shall return to the basis of American values and shall limit its criteria for hiring to an evaluation of the lawful presence of the applicant and strictly to the merits of the applicants. In an effort to return to a colorblind society, the Agency shall strictly adhere to the Equal Protection clause of the Constitution of the United States and to the statutory protections in title VII of the Civil Rights Act of 1965. The Agency shall not hire, promote, or demote based upon the criteria in such title VII. The Agency shall not deny any person equal protection of the laws in contravention of the Fourteenth Amendment to the Constitution of the United States.''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, MAY 16, 2007 No. 81

Senate

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we come to You in our weakness and seek Your strength. Our knowledge is insufficient; we seek Your guidance. Our doubts assail us; we seek Your faith. Our fears taunt us; we seek Your courage. Our energy is often depleted; we seek Your power. Our emotions betray us; we seek Your discipline. Our temptations conquer us; we seek Your grace. Our burdens weaken us; we seek Your help. Our lives are often too empty; we seek Your joy.

Lord, give our lawmakers this day Your guidance, power, courage, faith, discipline, grace, help, and joy.

Lord, we ask, too, that You would comfort the King and Falwell families during their time of grief. We pray in Your comforting Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of H.R. 1495. The debate will continue until 10:30 on the four pending Iraq-related amendments.

The debate time until 10:30 is equally divided and controlled between the two leaders, with the final 20 minutes shared by the two leaders. I will have the last 10 minutes of that 20-minute period.

There will be 2 minutes of debate prior to each vote. After the first vote, the remaining votes in sequence will be limited to 10 minutes. I hope Members would not leave the Chamber area during the votes as time for the votes will have to be strictly enforced. Since these amendments are first-degree amendments, except for the Feingold amendment, Members have until 9:30 this morning to file any germane second-degree amendments.

Once these Iraq-related amendments are disposed of, then the managers of the water resources legislation hope to shortly conclude the entire legislation. I hope that can be the case.

With the cooperation of the Senate last night, we have moved the cloture vote on the motion to proceed to the immigration legislation until Monday, May 21. This will allow negotiations to continue for a few more days.

I mentioned that a lot of work is needed to be done this week, including the supplemental appropriations bill and the budget resolution. We have other things we are working on to get teed up for next week. We have so much to do, Mr. President.

Also, last night, with the cooperation of the Republican leader and the rest of the Senate, we forged a path for the consideration of these two items, these two items tomorrow, the budget and the WRDA matter. So I, again, thank the Members for their cooperation.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following my sitting down, Senator BIDEN have 4 minutes of our time; Senator BOXER, 3 minutes; Senator FEINGOLD, 3 minutes; Senator KENNEDY, 4 minutes; Senator LEAHY, 4 minutes; Senator LEVIN, 4 minutes; Senator MURRAY, 3 minutes; Senator REED, 3 minutes—that is REED of Rhode Island—Senator TESTER, 3 minutes; and Senator WHITEHOUSE, 3 minutes. We should have enough time to cover all that. If not, I will yield a minute or so of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I also ask that the quorum calls be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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A bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

Boxer-Inhofe amendment No. 1065, in the nature of a substitute.

Reid (for Levin-Reid) amendment No. 1097 (to the language proposed to be stricken by amendment No. 1065), to provide for military readiness and benchmarks relative to Iraq.

Reid (for Feingold-Reid) amendment No. 1098 (to amendment No. 1097), to provide for a transition of the Iraq mission.

Warner-Collins amendment No. 1134 (to the language proposed to be stricken by amendment No. 1065), relative to the President's strategy in Iraq.

McConnell (for Cochran) amendment No. 1135 (to the language proposed to be stricken by amendment No. 1065), to express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007.

AMENDMENT NOS. 1098, 1097, 1134, AND 1135

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. shall be equally divided between the majority and the Republican leaders or their designees for debate prior to the votes on the motions to invoke cloture on the following amendments: amendment No. 1098, offered by the Senator from Wisconsin, Mr. FEINGOLD; amendment No. 1097, offered by the Senator from Michigan, Mr. LEVIN; amendment No. 1134, offered by the Senator from Virginia, Mr. WARNER; and amendment No. 1135, offered by the Senator from Mississippi, Mr. COCHRAN.

Mr. REID. Mr. President, the desk should get their clocks out because I am going to suggest the absence of a quorum and that time will have to run equally from both sides. So each time that I have allotted will be reduced by whatever time the people don't show up here to get in their remarks.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the 2 minutes that remain allocated to Senators WHITEHOUSE and LEAHY be allocated to me for my presentation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ AMENDMENTS TO WRDA

Mr. FEINGOLD. Mr. President, as we speak, more than 150,000 brave American troops are in the middle of a violent civil war in Iraq, with more troops on the way. Meanwhile, the President has repeatedly made it clear that nothing—not the wishes of the American people, not the advice of military and foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a war that has no end in sight.

Congress cannot wait for the President to change course—we must change the course ourselves. Iraq's problems will not be solved by an open-ended, massive U.S. military engagement. And our own national security will be weakened until we bring this war to a close.

That is why I am pleased to join the majority leader and Senators DODD, WHITEHOUSE, SANDERS, LEAHY, KERRY, KENNEDY, BOXER, WYDEN and HARKIN in introducing an amendment to bring this war to a close. Our amendment, which is the same as the Feingold-Reid bill, would require the President to begin safely redeploying U.S. troops from Iraq within 120 days of enactment, and would require redeployment to be completed by March 31, 2008. At that point, with our troops safely out of Iraq, funding for the war would be ended, with three specific and limited exceptions: protecting U.S. infrastructure and personnel; training and equipping Iraqi security forces; and, perhaps most important, conducting ''targeted operations, limited in duration and scope, against members of al-Qaida and other international terrorist organizations.'' By enacting Feingold-Reid, we can finally focus on what should be our top national security priority—defeating al-Qaida.

Some have suggested that cutting off funds for the war could mean cutting off funds for the troops. They would have people believe that, under my approach, our brave troops will be left to fend for themselves in Iraq, without training, equipment, or resources.

Nothing could be further from the truth. Using our power of the purse to end our involvement in the war would in no way endanger our brave servicemembers. By setting a date after which funding for the war will be terminated—as this amendment proposes—Congress can ensure that our troops are safely redeployed without harming our troops, as we did in Somalia in 1993.

While Feingold-Reid is not the only amendment we are considering, it is the only amendment that would bring this war to a close. I regret to say that the Levin-Reid amendment accomplishes very little, once the President gets through certifying and waiving whatever he needs to certify and waive to keep his policies in place.

Levin-Reid and the Warner amendment would ensure that Congress receives more reports on Iraqi progress in meeting benchmarks. We don't need reports to tell us that the President's policy isn't working. And we don't need reports to show us that our continued military presence in Iraq is a mistake, one that the America people overwhelmingly oppose. It is long past time for benchmarks, let alone benchmarks that aren't tied to meaningful consequences. Feingold-Reid will move us toward ending the war. Levin-Reid will move us backward.

As long as the President's Iraq policy goes unchecked, our courageous troops will continue to put their lives on the line unnecessarily, our constituents will continue to pour billions of their dollars into this war, our military readiness will continue to erode, and our ability to confront and defeat al-Qaida will be jeopardized. I urge my colleagues to support Feingold-Reid and oppose Levin-Reid.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO POLICE CORPORAL BRUCE MCKAY

Mr. GREGG. Mr. President, I rise to express the sorrow of the people of New Hampshire and myself and Kathy, on the passing of Corporal Bruce McKay, who died in the line of duty as a police officer in Franconia, New Hampshire, last Friday, May 11.

This is a traumatic event for us as a State and as this is the second time within a year a police officer has been shot in New Hampshire and died. To lose two of these gentlemen who were so extraordinary in the span of a year is truly a sad and difficult event for us as a State.

Corporal McKay was, like so many police officers, just an exceptional individual who did his job of protecting us, of being out there on patrol, making sure that we are safe in our homes and going about our business on a daily basis. Corporal McKay worked in a very small town, the idyllic and pastoral town of Franconia, NH, a place where people go to get away from the hustle and bustle and threat and difficulty of the urban American lifestyle. It's right up in the mountains of New Hampshire, just past Franconia Notch, one of our most famous and beautiful spots. It is a place where many people have come to write and to live and movie stars and Supreme Court justices have retired there.

It is not a place where you'd expect a violent act like this to occur. But doing his job on patrol, making what appeared to be a routine stop, he was attacked and shot to death by the individual he pulled over. This is a trauma not only for our State and for the Town of Franconia, especially, but even more

overwhelmingly for his daughter, Courtney, and his parents, Bruce and Catherine, and our sympathies and prayers go out to them.

We thank him for his service. We thank all officers of the law who put their lives on the line every day and serve us and give us the protection and safety which is so important to our lives.

On behalf of Kathy and me, and to the extent I can, the people of New Hampshire, we express our condolences and our sympathies to his family during this extraordinarily difficult time. His service will be tomorrow. I had hoped to attend it, but unfortunately, the budget will be here on the floor tomorrow and as the ranking Republican on the budget, I feel it is my responsibility to be here to represent the Republican position on that bill. Our hearts and prayers go out to him and his family, and we send his family all our support during this very difficult time.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 3 minutes under a previous consent order.

Mr. WHITEHOUSE. Mr. President, American troops must come home from Iraq. Because more than 3,000 of our men and women have lost their lives, and tens of thousands more have returned home wounded, American troops must come home from Iraq.

Because hundreds of billions of America's tax dollars have been sunk into the sands and marshes of Iraq, with much of that funding lost to waste, fraud, or abuse by those who have neither Iraq's nor America's best interests at heart, America's troops must come home from Iraq.

Because the public records of this conflict—reflected in the many retired generals who have spoken out against the conduct of the war, and the many books and articles chronicling its planning and execution—reveal catastrophic mistakes and misjudgments that have raised serious questions about this administration's very capacity for leadership, American troops must come home from Iraq.

Because that same administration misused and distorted intelligence, arguing that America should go to war on the basis of information that proved to be untrue or highly misleading, American troops must come home from Iraq.

Because despite the millions of Americans who joined together to call for a new direction in Iraq, this President chose instead to escalate the conflict, American troops must come home from Iraq.

Because the President and Vice President and their political allies would rather pick a political fight with this Congress, using false rhetoric, such as ''micromanaging'' and ''precipitous withdrawal,'' than answer tough questions from the American people, American troops must come home from Iraq.

Because the prospect of our troops' redeployment is the single most powerful force at our disposal to galvanize unity and cooperation among the Iraqi factions and effect real change, American troops must come home from Iraq.

And because even after all this, this President still refuses to listen to the American people and stubbornly fails to give this country the change of course it demands, it is up to this Congress to act to bring American troops home from Iraq.

Some claim this strategy is risky, but the greater risk by far would be to fail to seize the opportunity a redeployment of our troops presents us. To announce clearly to the world that American troops will soon leave Iraq will change the dynamic there in a positive way. It may be the only way we can change the dynamic there in a positive way. It will give us the chance to renew and rebuild diplomatic ties in the region and around the world that have been so badly damaged by this President and this President's war, and restore America's prestige and standing among our friends. It will send a signal to the insurgents who foment violence in Iraq that they will no longer be able to use the United States military presence as a recruiting tool for extremists, and it will motivate efforts by the Iraqis to secure and stabilize their Nation.

It will give the Iraqis the impetus to step forward and do the things our military leaders say they must do for the surge to succeed—things they have been disgracefully slow in doing, such as passing a hydrocarbon law to allow equal sharing of oil revenues among all Iraqis, and measures to facilitate elections, as an example.

It will give our country the time and resources to restore our extraordinary military to the strength and level of readiness our troops deserve. And it will give us the freedom and the resources to look to the many challenges that still confront us here at home, from soaring gas prices to a broken health care system.

To achieve all these things, we must take the first step. We must make it clear we will bring our troops home from Iraq. The measure offered by Senator FEINGOLD, with the support of the distinguished majority leader, is a smart strategy. It has a responsible schedule and it will be an effective step to repair what the President has left broken.

It would require the President to redeploy our troops from Iraq by March 31, 2008. After that date, funds would only be available for three specific limited purposes.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent for an additional 15 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. The limited purposes for funding would be: targeted counterterrorism operations, protecting United States infrastructure and personnel, and training and equipping Iraqi security forces.

This plan gives our troops in the field the resources they need today and a strategy that is worthy of their service as they look to tomorrow. I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 3 minutes under a previous unanimous consent order.

Mrs. BOXER. Mr. President, last November, the American people voted to end the President's one-man show in Iraq. I think the Chair understands that very well, given that he was victorious in November, and a lot of the questions surrounded what are we going to do about Iraq, this terrible failed policy.

Today, we have an amazing opportunity, and I thank Senator REID for giving us that opportunity, to vote to end this war now, and to do it in a way that is responsible, to do it in a way that is gradual, to do it in a way that makes a lot of sense.

The Feingold amendment essentially shifts the mission away from a combat mission to a support mission. It is very clear the President will get the funding he needs for the following things. Our troops will be funded to go after al-Qaida. After all, that was the primary purpose we declared after 9/11, and I voted to go to war to get al-Qaida, and to get bin Laden. Then the administration took a U-turn and got us off course into Iraq.

Our military has been superb. They have done everything they have been asked to do, from searching for those weapons of mass destruction, ascertaining there were none; and then, apparently, the mission wasn't done. The President said, get Saddam. They got Saddam. Oops, the mission still wasn't done. After that, he said, get his family members and show them on television and show the people we mean business. But the mission still wasn't done.

Then there were three elections in Iraq, to give the Iraqis a chance to choose their own leaders. We train and train and train Iraqi soldiers and police, where there are now about 300,000. If they can't defend and protect their own country, if they do not love the chance to have freedom as much as we love it for them, then I say it is time to change this mission. Keep on going after al-Qaida. Yes, you can keep training those troops if they need our help in that, and force protection. Those would be the missions. The Feingold amendment gives us this chance.

The President has derided any attempt Congress has made to end this war. He says, why should politicians get involved with this? Well, let me say why I think the Senate should get involved. Because it is our constituents, just as it is the President's constituents, who are dying in Iraq. In front of my office door I have these large boards that list the names of the dead, and 21 percent of the dead were either born in California or they were based in California—21 percent. So I will not allow this President to tell me I have no right to try to end this war. I have every right to try to end this war, and I will stand shoulder to shoulder with my colleagues, as I did from day one when 23 of us said this war was a bad idea.

Mr. President, I ask unanimous consent to have an additional 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, our Nation is grieving over this war. Every day when we wake up and turn on the TV or the radio, we don't know what other horror is befalling our troops. We have a country in Iraq where 70 percent of the people want us out of there, where a broad majority says it is OK to kill or wound an American soldier, where maybe 50-plus percent of the Iraqi Parliament says we should get out on a timetable.

It is pretty simple. When I was a kid, my mother said, don't go where you are not wanted. Enough is enough. We have given and given and given, in blood and in treasury. So I proudly stand before the Senate urging my colleagues to do the right thing, to vote for responsible redeployment, a responsible end to this war, and join me in voting for the Feingold amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 4 minutes under a previous consent order.

Mr. KENNEDY. Mr. President, I strongly support the Feingold-Reid amendment on Iraq. This is a defining moment in our debate on this misguided war. We in Congress have a choice. We can continue the administration's failed policy and guarantee that even more American troops will die in Iraq's bloody civil war. Or we can finally exercise our ''power of the purse'' and begin to bring this disastrous war to an end by linking the requirement to withdraw our combat troops from Iraq by next March to a prohibition on spending.

We all must face up to the fact that Congress must use the power of the purse to force an end to the war, and the sooner we do so, the better.

It is wrong for the Congress to continue to defer to Presidential decisions that we know are fatally flawed.

The American people know this war is wrong, and it is wrong to abdicate our responsibility by allowing this war to drag on longer while our casualties mount higher and higher.

For more than 4 long years, the President's assertion of unprecedented power has gone unchecked. This amendment reclaims our responsibility under the Constitution as a co-equal branch of Government, with specific powers of our own on issues of war and peace.

Congress can exercise its authority to redirect or terminate an ongoing conflict in two ways. It can enact specific limits on the scope of the conflict, and it can use the power of the purse to deny funding for all or parts of a conflict.

Congress has followed that path in prior wars, and we must follow it today. During the Vietnam war, Congress repealed the Gulf of Tonkin Resolution of 1964, which many of us felt had been misused to justify the escalation of America's involvement in Vietnam. Congress also prohibited the reintroduction of troops into Cambodia after President Nixon's escalation of the war. We went on to cap the number of American troops in Vietnam, and we eventually cut off funding for the war when the President left us no alternative.

Exasperated by the actions of successive Presidents Johnson and Nixon on the Vietnam war, Congress enacted the War Powers Act in 1973 over President Nixon's veto. The act requires Presidents to consult with Congress before placing troops in harm's way, seek authorization to keep them there, and continue consultation as the conflict goes on.

This congressional assertion of power in matters of war and peace resonates loudly today.

Opponents of our efforts to bring the Iraq war to an end have mischaracterized any use of this congressional power as an abandonment of our soldiers on the battlefield. Nothing could be further from the truth.

No responsible legislator would take any action that endangers our troops. In fact, using congressional authority to force a change of course in Iraq and begin to bring our troops out of Iraq's civil war is the best way to protect our troops.

Requiring a change of course by using the ''power of the purse'' or taking other action will not mean taking equipment and supplies away from our troops. We will avoid the mistake the President made in sending our troops into Iraq without adequate armor and without a plan to win the peace. There is no reason for Congress now to shy away from exercising the full range of its constitutional powers.

President Bush should not be permitted to continue his disastrous policy of sending more and more American troops to die in the quagmire of Iraq's civil war.

Because the President refuses to bring this war to an end, we in Congress must put on the brakes ourselves and stop the madness. We must require the administration to begin to bring our troops home to the hero's welcome they have earned.

The failure of our policy is abundantly clear to anyone who honestly looks at the facts.

Despite the addition of tens of thousands of American troops, and the ongoing presence of more than 150,000 American soldiers in Iraq, political reconciliation remains as difficult as ever to achieve.

Our troops continue to be vulnerable targets for the insurgents in what has been the longest period of high casualty rates since the war began. Sectarian violence in Baghdad continues. Attacks within the international zone in Baghdad are increasing. Violence is spreading out of Baghdad and increasing elsewhere in Iraq. Iraqis are demonstrating in the streets against America's occupation. Legislation pending in the Iraqi Parliament would require a timetable for the withdrawal of U.S. forces from Iraq.

The Iraqi people want a timetable for the withdrawal of our military. The American people want a timetable. Only the President continues to stubbornly refuse to adopt one.

It is time for President Bush to listen to the Iraq Study Group, the Iraqi people, Congress, and the American people, and work with us to bring our troops home.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, among the four amendments this morning will be one submitted by me, together with my principal cosponsor, Senator COLLINS. The purpose of this amendment is to require the administration to keep the Congress well informed. The situation in Iraq changes almost daily. Our losses continue. In my judgment, it is the responsibility of every Member of the Congress to keep well versed on this situation, keep in mind the perspectives with regard to the strategy as enunciated by the administration, and maintain their own individual opinions about that strategy and how this operation is going. Daily, each of us must consult with our constituents. Regrettably, almost weekly many of us have to speak with families of the loved ones they have lost or those who have been seriously injured.

There are several parts to the amendment I put forward. I thank many Senators who worked with me—indeed,

both sides of the aisle, together with their professional staffs. The first part of the amendment goes through extensive findings, principally acknowledging the extraordinary heroism and bravery of the men and women wearing the uniform of our country, together with our coalition partners and the families who stand behind them. They unquestionably have performed in a manner consistent with the finest traditions of the professionalism of the U.S. military.

The findings also address the historical progress of the Iraqi Government in its formation, but also raises questions of the several benchmarks, benchmarks which were selected and composed by the Iraqi Government, announced by that government, and their commitments to trying to meet those benchmarks.

Taken together, I think it is very important that our strategy in Iraq be put in a position where it reflects in many respects the degree of success in meeting these benchmarks and, if these benchmarks are not met, then such changes as our President desires to make from his strategy as announced on January 10 of this year.

We, in this amendment, recite as the benchmarks that are most serious his forming a constitutional review committee and then completing the constitutional review; enacting and implementing legislation on debaathification; enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to sect or ethnicity of recipients; and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

That is sort of a description of the basic category of these benchmarks. Then we go on to require the President of the United States to report on how this sovereign Government of Iraq is or is not achieving progress toward accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires or does not require changes to the strategy announced on January 10, 2007.

Among the reports required, the President shall submit an initial report in classified and unclassified form to the Congress not later than June 15, 2007.

I purposely selected that date because our schedule reflects that this body will go into a recess for much of August. I think it is absolutely imperative every Member have the benefit of the latest possible assessment of the performance or nonperformance by the Iraqi Government of these benchmarks, as well as the situation in Iraq. So the President will do that on July 15, assessing the status of each of the benchmarks.

Next, the President, having consulted with the Secretary of State, Secretary of Defense, the commander of the multinational forces, General Petraeus, and Admiral Fallon, will prepare a report and submit to the Congress his findings. If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political—not just the military but the political, the economic, regional, and military components of the strategy as announced by the President on January 10, 2007.

In addition, the President shall include in the report the advisability of implementing such aspects of the bipartisan Iraq Study Group report as he deems appropriate. That was a very valuable report. I think it has provided a considerable number of guideposts that have been embraced by Members of this body.

Then the President shall submit a second report not later than September 15, 2007, following the same procedures and criteria enunciated above. The reporting requirement of the Armed Services Committee bill of last year will be waived through September 15 so as not to have duplication. Then testimony before the Congress. Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the administration, the U.S. Ambassador to Iraq and the commander of multinational forces, General Petraeus, will be made available to testify in open and closed sessions before the relevant committees of our Congress. There again, we get their independent report followed by that of the President.

We also place some limitations on the availability of the nonmilitary funding in this appropriations bill, such that the President can restrict that funding in those instances where he believes, first, there is more than adequate funding in the pipeline already and therefore it doesn't require the additional expenditure of funds; or, second, the Iraqi Government has substantial cash in their reserve accounts that could be applied to the nonmilitary aspects. Further, the President is given waiver authority with regard to the benchmarks so the flow of these funds is tied in some respects, again, to the performance of the benchmarks.

We also put a section in this report requiring the redeployment of our forces in such circumstances as the sovereign Iraqi Government, having taken actions consistent with their Constitution, should call upon the United States and other partners of the coalition forces to withdraw certain elements of their troops—respecting, once again, and placing upon them the obligation to fulfill the responsibilities of sovereignty.

Also, we put in this amendment requirements for independent analysis of much of the same material that is being reviewed by the administration. While we have over the years, for example, trained for now 2½ to 3 years, some 325,000 Iraqi armed forces and police, what is the ability of that trained group, such as it is, to take up more and more of the responsibility in the fighting, and particularly that fighting that relates to sectarian violence?

For that purpose, we have two parts. The first addresses the Comptroller General. He is being requested to make an assessment of all of the benchmarks as to whether they have been met or not met. Second, we appropriate a sum of money to fund an independent organization and a very senior, well-respected, retired, four-star officer to head up a military, professional assessment by the retired community, of the Iraqi forces. I think that is a pivotal part of this amendment. I just hesitate to think why any Member could vote against a provision saying that we need a fresh, new, independent assessment of the capabilities or lack of capabilities of the Iraqi security forces. That is in here.

Mr. President, I urge colleagues to carefully consider this amendment.

It is for their benefit to keep them informed, both requiring the administration to come forward with timely reports and testimony and, secondly, two independent organizations, one the Comptroller General to give an assessment of benchmarks and, second, that we have an organization well known to all of us here, a private sector organization to give support to a senior, highly respected uniform retired four-star general to make an assessment of the military capabilities of the Iraqi forces.

Again, I thank my colleagues. I particularly thank my principal cosponsor, the Senator from Maine, for her diligent effort throughout the preparation of this amendment as well as the previous initiatives we have taken on this floor over the past 2 months with respect to the President's policy, particularly the surge policy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I shall be very brief, not only because the distinguished senior Senator from Virginia has done a superb job of describing the initiative we have brought before the Senate but also because I have a commitment to testify very shortly before another committee on yet another important issue. But I do wish to comment briefly on one of the provisions that is included in Senator WARNER's proposal, a provision I consulted with many of our colleagues on and brought forth to the senior Senator from Virginia and suggested be included. He agreed and has placed it within his amendment.

This provision conditions the release of reconstruction funds to progress on the benchmarks that are included in the Warner-Collins amendment. These benchmarks include making progress on debaathification, making progress in passing and implementing an oil revenues distribution bill, making

progress and producing trained and equipped Iraqi security forces, and overall for the Iraqi Government to make more progress toward the political reconciliation that is absolutely essential to quelling the sectarian violence that now engulfs Baghdad. It includes, therefore, provisions and benchmarks not only on debaathification but also on holding provincial elections, something that would help lead to the integration of more Sunnis into the Government power structures.

It is important that there be consequences for the Iraqi Government if those benchmarks are not met, and the best way is to condition the release of billions of dollars of reconstruction assistance—assistance for which the American taxpayers are footing the bill—on whether the Iraqi leaders are making progress in meeting the benchmarks. If they are not making progress in meeting the benchmarks, then I think we should not release the reconstruction funds. This would have definite consequences, and I believe it is appropriate that we link it to reconstruction funds.

None of us wants to—or very few of us want to cut off the essential training and equipping funds for Iraqi troops, much less American troops. So I do not support an alternative amendment which will be offered today which would simply cut off funds. I don't think that is responsible. That is a disservice to the brave men and women who are fighting so hard in Iraq. I want to make sure our troops have everything they need—the training, the equipment, and the support to carry out their dangerous mission.

I also want to make sure the Iraqi troops have the training and the equipment they need, but I share the frustration of the former chairman of the Senate Armed Services Committee that we have been training Iraqi troops and equipping them for years, some 300,000 troops, and yet we still find that the Iraqi security forces are not able to take the lead in very many operations, and that is very disturbing to me. It is one of the reasons I strongly support Senator WARNER's proposal for an outside review by a distinguished nonpartisan group led by retired GEN Jim Jones to assess the capabilities and the readiness of the Iraqi forces. That is a very important provision as well.

Mr. WARNER. Mr. President, on that point, will the Senator yield?

Ms. COLLINS. I will be happy to yield.

Mr. WARNER. We worked together on this provision for some time. It has been 2 months in the making. I supplied it to several colleagues in the House, notably JIM MORAN, who is on the Appropriations Committee. They seized it and, verbatim, this provision with regard to establishing an ability to have, independent of the Pentagon, an assessment of the Armed Forces and security forces in Iraq is in the House appropriations bill now going into conference. So I believe it is imperative that we, this body, likewise put that provision in our Senate bill.

I thank my colleague.

Ms. COLLINS. Mr. President, I thank the Senator from Virginia for his clarification and that good news about the reception on the House side.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Ms. COLLINS. Mr. President, I ask unanimous consent for 30 seconds more.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

Mr. President, my support for our operations in Iraq is neither open-ended nor unconditional. I believe the Warner-Collins amendment takes important steps toward accountability, and I hope it will have the support of the majority of Members in this body.

Mr. DODD. Mr. President. I want to take a few brief moments to explain why I supported the Feingold-Reid-Dodd amendment this morning, and why I opposed the other two amendments offered before this body.

While I would have preferred a stand-alone vote on the Feingold-Reid-Dodd bill, as I think we owe the American people and our brave men and women in uniform unequivocal support for changing our mission in Iraq, I am nonetheless still pleased that we at least had a cloture vote on this amendment.

As my colleagues know, the language in this amendment was almost identical to the language in the stand-alone Feingold-Reid-Dodd bill, which I strongly endorsed. This amendment would have mandated that the phased redeployment of U.S. combat forces from Iraq begin within 120 days, and set a deadline of March 31, 2008 for the completion of that redeployment. It allowed for continued counter-terrorism operations, force protection, and training and equipping of Iraqi security forces. Reid-Feingold represented the only responsible way to force the President to change his flawed policy in Iraq.

I deeply respect Senator WARNER and the leadership that he has demonstrated for many decades in the Senate, but I could not in good conscience vote for his amendment. The Warner amendment would have done nothing to force a change in mission, it would not have held the Bush administration or the Iraqi Government accountable, and it would not have started the process of redeploying our forces from Iraq. Instead, it would have allowed the President to waive any restrictions, just as he has waived the advice from the Baker-Hamilton Commission, and just as he has ignored the will of the American and Iraqi people.

I had absolutely no objection to the resolved clauses of Senator COCHRAN's amendment, which stated that ''It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.'' In fact, Congress already sent President Bush a robust supplemental funding bill and the President chose to veto it. Moreover, the Feingold-Reid-Dodd amendment provided funding for these critical missions and was wholly ''in a manner that the President can sign it into law by not later than May 28, 2007.''

But, in Senator COCHRAN's amendment, this language was preceded by inaccurate statements. These statements claim that ''funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.'' This is simply not true. The Congressional Budget Office estimates, and the Pentagon confirms, that there is enough funding to last through midsummer.

It is my hope that in the coming days, the Senate will continue to seek meaningful ways to bring about a responsible and urgent change in the President's failed policy in Iraq. I look forward to working with my colleagues to do just that.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 3 minutes in leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, today we face an awesome vote, a historic vote in the Senate. It is a vote about this war in Iraq. It is an issue which consumes this Senate and this Nation. We have lost 3,400 soldiers, over 30,000 returned home injured, some with serious, grievous disabilities and injuries they will battle for a lifetime. We have spent over $500 billion, and there is no end in sight.

This morning, the White House announced that the President has finally found a general who will accept the responsibility for the execution of this war. Why did four generals before him refuse this assignment? Because those four generals know, the American people know, and this Senate knows that the administration's policy in Iraq has failed.

Our soldiers have not failed. They have risen again to the challenge. They have exhibited such courage and bravery. They have shown the kind of sacrifice that wins over the hearts of generation after generation of American people. But the Iraqis failed to lead their own nation, and the situation in that country is in disarray.

Now is the time for the Senate to speak directly, honestly, decisively. This war must end. Our troops must come home. The Iraqis must accept responsibility for their future.

The Feingold-Reid amendment, which will be before us today, may not be adopted, but it will be adopted at

another time on another day. At some future moment, after we have buried more of our fallen heroes, after we have cared for those thousands returning with injuries, after the Iraqis have broken our hearts again with their interminable fighting, their interminable civil war, and their lack of leadership in their nation, then we will act. But today is the day when we should act.

I respect very much my colleague from Virginia, Senator WARNER. He is one of the few on that side of the aisle who have spoken out suggesting that these policies must change. I don't believe his amendment achieves all that we need to achieve today. It sets benchmarks but gives the President the power to waive those benchmarks and the requirements that come with them. Sadly, we know what this President will do. Just as with the sweep of a veto pen he swept away our bipartisan effort to start a timetable to end this war, he will sign a waiver and continue on for the next 18, 19 months with this war with no end in sight.

Mrs. BOXER. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I ask for 1 minute off the leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank my friend for his very articulate statement. I so agree with what he said. I want to make it clear to my colleagues, and I want to make sure my colleague agrees, that of all the options which will be before us, all well-intentioned, all worked on so diligently—some of my colleagues are here who did that—is it not a fact that the only one that will guarantee a change in the status quo is the Feingold amendment because all the others really lead right back to where we are today because the President is given total leeway to decide exactly what to do? Am I correct on that point, that if we want change, you have to vote for the Feingold amendment, if you want to end the war?

Mr. DURBIN. Mr. President, in response to my colleague from the State of California—and I thank her for her leadership—there is only one amendment today which will end this war, there is only one amendment today which will start to bring these troops home, there is only one amendment which will make it clear to the Iraqis that this is their country and their responsibility. The Feingold-Reid amendment is the amendment which will finally start bringing this war to an end.

How many more soldiers do we have to bury? How many more do we have to bring into our military and veterans hospitals? How many more thousands of innocent Iraqis have to die before we finally accept our responsibility to bring this war to an end? We can do it today. We should do it today. I urge my colleagues to support the Feingold-Reid amendment, and I urge all of them to understand the gravity of this decision. This is not about politics. This is about the life and death of great heroes in America who continue to step forward and risk their lives for this Nation.

I ask unanimous consent to be added as a cosponsor to the Feingold-Reid amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized for 3½ minutes.

Mr. LEVIN. Mr. President, a little more than 6 weeks ago, the Senate passed a supplemental appropriations bill relative to the war in Iraq. It contained provisions relating to the readiness of U.S. forces, such as ensuring U.S. military units are fully mission capable, that they are not deployed for combat beyond a year in the case of the Army, 7 months in the case of the Marines; that they are not redeployed for combat if the unit has been deployed within a year for the Army and 7 months for the Marines. The vetoed bill provided for a Presidential waiver of those limitations.

The vetoed bill also contained a very essential provision regarding troop reductions—first, a troop reduction requirement that would commence on October 1. That is the heart of the bill that was vetoed. We will commence finally to reduce the number of troops in Iraq instead of adding to the troops, instead of adding more military, instead of looking to a military solution, finally recognizing that there is no military solution, there is only a political solution in Iraq, and that it is up to the political leaders in Iraq to reach that conclusion.

We must put pressure on them, and the only way I know to put pressure on the Iraqi leaders is to tell them that the future of their country is in their hands, that we cannot save them from themselves, and for us to change the course by beginning to reduce the number of troops in a nonprecipitous way and to do that beginning in 180 days.

What that amendment did on the supplemental was also set a goal for the remainder of the troops who are going to be removed. Except for the limited missions that were set up, it set a goal to do that. It was not set in stone as to the precise moment all the troops would have to leave, and it avoided using the funding mechanism. We did that on purpose. We want to send a message to the troops that troops in Iraq, whatever they are, whatever are left, whatever are going to be removed that have not been removed at the exact moment in the Feingold amendment—troops are going to be supported.

We are going to support these troops. We are not going to use a funding mechanism to cut off funding for our troops. That was the way to go. We got 51 votes in the Senate for that approach. It was vetoed by the President.

Now we have an amendment that is pending. This amendment would provide essentially the same provisions: protecting our troops, funding our troops but also initiating the beginning of the reductions that are so essential to forcing the Iraqis to step to the plate and resolving their political differences.

This amendment that is pending, however, contains a waiver. The waiver provision in this amendment has caused some concern understandably. The only purpose for the waiver provision the President was given in this pending amendment was in order to avoid a veto, to get the funds there.

However, it will not avoid a veto. The security advisor to the President has told me that, as a matter of fact, the President still opposes it, although he has a waiver authority in this amendment. Because of that, it does not serve its purpose of avoiding a veto.

Because there is some confusion as to the waiver provision, as to whether there is any intent to weaken what we did when we passed the supplemental, I ask unanimous consent that I be allowed to withdraw my amendment. I understand it has been cleared on the other side. I ask unanimous consent to withdraw the amendment and that cloture be vitiated.

Mr. REID. After the Feingold vote.

The ACTING PRESIDENT pro tempore. Without objection, the order will be effective after the first cloture vote.

Under the previous order, the next 10 minutes is reserved for the Republican leader.

The Senator from Virginia.

Mr. WARNER. Mr. President, I again wish to address the amendment I have put forward together with Senator COLLINS. I realize there is a provision in here with regard to a waiver, and that relates to the President's ability to redirect funds that are nonmilitary. But I say to my colleagues that while that particular section of this bill was amended at the last minute, the other sections absolutely remain strong and essential to keep this body informed; namely, the two independent studies, one to be performed by retired military with respect to the proficiency, capability, professional abilities of the Iraqi security forces; and, secondly, the one that requires the General Accounting Office to give an opinion with regard to the compliance or noncompliance of benchmarks.

So in this amendment, yes, I still think there is a lot of strength and validity to the provisions regarding the restriction of funds to be expended by our Government in terms of the nonmilitary spending. The other portions of this bill remain strong and should earn the support of all colleagues who wish to be kept advised of this ever-changing situation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is my understanding that there is time remaining for the Republican leader. Is that right?

The ACTING PRESIDENT pro tempore. The Republican leader has 7½ minutes remaining.

Mr. REID. On my side, how much time do we have?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. REID. Mr. President, is Senator COCHRAN going to use some of the 7½ minutes?

Mr. COCHRAN. I am happy to use whatever time is available to support my amendment.

Mr. REID. There is 7½ minutes. Mr. President, what I would ask—the reason I am asking my friend from Mississippi is, we have had a lot of confusion here today with amendments being withdrawn and a lot of people wanting to speak.

The chairman of the Foreign Relations Committee has been waiting to speak. I would be happy, if it is convenient to the Republicans, to give 3 more minutes to the minority and allow Senator BIDEN to speak for 3 minutes. Would that be permissible?

Mr. COCHRAN. That is perfectly all right with me.

Mr. REID. Mr. President, I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I hope the Senate will be able to support my amendment. It is a sense-of-the-Senate amendment. There are certain findings that are made in the amendment. But it all comes down to saying that the Senate should give the President what he has asked for, in terms of supplemental appropriations to fund the activities in Iraq that would protect our soldiers, that would put into the field new equipment and armaments that would help us reduce the level of casualties, make it less likely that American soldiers are going to die on the battlefield.

We don't need to continue to drag this out. This request has been submitted to the Senate, to the House, and it still has not been approved. People want to add everything to it. We have had a lot of suggestions about amendments that should be put on the supplemental.

What this sense of the Senate says, basically, is the Congress should approve the funding requested by the President at the earliest possible date. We know that that may take a few days, but it should not take any longer than that. So I am hopeful that Senators, after expressing their views on the war, expressing their views on whatever else they want to put in this legislation, keep focused on what the real need is and what the request is; it is supplemental funding to replace funds that have been exhausted in the regular fiscal year appropriations to add what the military needs.

I have a letter from Secretary Gates which specifically says:

> The situation increases the readiness risk of our military with each passing day. Should the Nation require the use of these forces prior to the equipment becoming available, the funding delay negatively impacts our forces in the field by needlessly delaying the accelerated fielding of new force protection capabilities, such as the mine-resistant ambush-protected vehicle, and counter-IED technologies.

So my hope is the Senate will approve my amendment and let's get on with supporting the President's initiative to bring this war to a successful conclusion.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 3 minutes.

Mr. BIDEN. Mr. President, we are about to vote on a bunch of amendments. The two amendments on the Democratic side, one having been withdrawn, are designed to do one thing that is straight forward: Instead of focusing our military on the much more—on being engaged in this civil war, they are intended to focus on a limited mission, a much more limited mission that is in our national interest that we can achieve with far fewer troops: Combatting al-Qaida and like-minded terrorist groups and continuing to train Iraqi troops.

I am not crazy about the language in the Feingold amendment. But I am crazy about the fact that we have got to keep the pressure on. The fact is, with every passing day, the situation in Iraq gets worse, and the President refuses to change course, continuing to dig us deeper and deeper and deeper in a hole.

The most important thing we can do, and I compliment the Democratic leaders for this, is keep pressure, keep pressure on the President. Now, why pressure on the President? Quite frankly, he is not going to change. The only way, with all due respect to my Republican friends, is to put pressure on them so they start voting for the troops and not for the President.

The fact is, as a number of my colleagues have mentioned in the news on the Republican side—I will not name any of them—they basically told the President: Mr. President, you have got until September. Well, between now and September, a lot more people are going to die in the midst of a civil war that don't have to die in the midst of a civil war if we change the mission.

So this is all about keeping pressure. So every single day the public picks up the paper and sees that we are trying to change the President's course of action in Iraq. In turn, hopefully, they will speak to their Democratic and Republican Senators and Representatives and say: Make him change.

Because until we get 67 votes, we are not going to be able to change his God-awful war. This war is a disaster. So what my friend, Senator FEINGOLD, is doing is making a very valuable contribution. I am going to vote for cloture so we can continue to debate this issue and continue to put pressure on. Starting to get our troops out of Iraq and getting most of them out by early next year is what we have in the original legislation the President vetoed, which is the preferable way to go, in my view.

But obviously we do not have the votes to overcome that veto, so we are trying to put something else on the table. But as important as beginning to bring our troops home, with a reasonable prospect of ending their presence in Iraq, it is equally important to have a plan for what we are going to leave behind, so we do not trade a dictator for chaos in a region that will undermine our interests for decades.

So we have to have a plan to bring stability to Iraq when we leave, and that requires a political solution. In the interests of time, I will not attempt to discuss that, I will do it at a later date. But I compliment my friend from Wisconsin for continuing to keep the pressure on. This is all about, in my view, getting the 67 votes to be able to override the President's veto and ending this God-awful mess that he has us in and continues to dig us deeper and deeper and deeper and deeper into.

I yield the floor.

The ACTING PRESIDENT pro tempore. There remains now a little over 8 minutes of the Republican time.

Mr. REID. Mr. President, I think the Republican leader wants to take 1 minute. No? If you would yield that back.

Mr. WARNER. I yield back the time on this side.

Mr. COCHRAN. Mr. President, I am pleased to ask unanimous consent to yield that back.

The ACTING PRESIDENT pro tempore. The time being yielded back, there remains now 5 minutes on the majority side.

Mr. REID. Mr. President, if I exceed the 5 minutes, I will use my leader time.

The Congress and the President are on the eve of a very important negotiation about the administration's failed policy in Iraq. Does anyone dispute that it has been a failed policy? Does anyone dispute that it has been a failed policy? I don't think so.

But there is one simple question that negotiators will be wrestling with: After more than 4 years of a war in Iraq, costing Americans more than 3,400 lives, tens of thousands wounded, a third of them grievously wounded, we have more than 2,000 double amputees in this war, head injuries like we have never seen before, approaching a trillion dollars in taxpayers' expenditure for this war.

Sadly, there is no end in sight. Isn't it time for the administration to change course? Now, Nevada is struck and struck very hard with the fact that one of our brave soldiers from Nevada may be a hostage or some say a prisoner of war. This is new experience even in Iraq.

The votes we are about to cast this morning will give every Member the

opportunity to tell the American people, the White House, and the Congressional negotiators where they stand on critical issues.

House and Senate Democrats stand with General Petraeus. General Petraeus says the war cannot be won militarily. There can only be a political solution, which my friend from Michigan, the chairman of the Armed Services Committee has been saying for almost 2 years. The administration and the leaders in Iraq have not listened to CARL LEVIN.

We stand united, we Democrats and a couple of stalwart Republicans, in our belief that our troops are enmeshed in an intractable civil war, that we are pursuing a failed strategy that is making us less secure, not more secure, and that it is time to begin a responsible, phased redeployment.

We stand united in our efforts to get the administration to change course but do so now, immediately. The President's policy is not working, and it is not working for so many reasons.

The present path is not sustainable. The facts on the ground are certainly not encouraging. Everyone, today, look at USA Today. The attacks are up. The deaths are up, both of Iraqis and Americans; the injuries are up of both Iraqis and Americans.

Despite the fourth surge in U.S. forces since the start of the war, attacks on our troops have not decreased. The monthly casualty rate since the onset of the surge is close to the highest level we have seen since the start of this war. About three American soldiers are killed every day on average. Since the beginning of the surge, 300 Americans have been killed. I don't know how many have been injured but thousands. Meanwhile, the Iraqi Government remains in a dangerous stalemate—no oil law; no law on de-Baathification; no constitutional amendments. This paralysis has further fueled the sectarian violence, and our troops are caught in the middle. They protect the Sunnis. Our troops protect the Shia, protect the Kurds. In the process, they are all shooting at our troops.

The U.S. mission grows further and further disconnected from our strategic national interest. Instead of focusing on training, counterterrorism, and our regional interests, U.S. forces are patrolling Baghdad's streets, still kicking down doors, increasingly vulnerable to snipers, kidnappers, improvised explosive devices, and other acts of terror. American forces have done everything we have asked of them, and more. They toppled a dictator and helped pave the way for a new government. It is now up to the Iraqi political leaders, after 4 years, to step up to the plate and fight for their own nation. Again, as our leader on the Armed Services Committee, Senator LEVIN, has said on many occasions: Take off the training wheels. The Iraqi Government has to do that.

Our troops, their families, and the American people deserve an exit strategy, instead of extending tours from 12 to 15 months, putting further strain upon our men and women in uniform. It is long past time to transition the United States mission in Iraq and begin a responsible, phased redeployment.

The Feingold-Reid amendment does just that. It achieves that goal. The amendment calls for the phased redeployment of our troops to begin within 120 days. It doesn't call for withdrawal—phased redeployment. After April 1, 2008, the sixth year of the war in Iraq—think about that—it would still permit U.S. forces to remain in Iraq conducting force protection, training, and targeted counterterrorism missions. As Senator BIDEN said: Go after the real bad guys.

I appreciate the efforts of my friend, the senior Senator from Virginia, former chairman of the Armed Services Committee, but I say after more than 4 years of a failed policy he has watched, as I have, his amendment is very tepid, very weak, a cup of tea that has been sitting on the counter for a few weeks. You wouldn't want to drink that tea. You wouldn't want to vote for this amendment. If you look in the dictionary under ''weak,'' the Warner amendment would be listed right under it. I have the greatest respect for Senator WARNER. I know he is trying to stick up for his President. Senator WARNER has served this country honorably for more than 40 years. But the situation in Iraq is grave and deteriorating. It requires actions, certainly not more reports, especially those without consequences. I will vote against the Warner amendment and I hope everyone votes against it. It is nothing.

The Cochran amendment, offered by my friend with whom I have had the good pleasure of serving in Congress for 25 years—he is a fine man and a real patriot; he has served this country so well for so long—I don't necessarily agree with every word and assertion the Senator included in his amendment, but I do agree with its thrust; namely, the White House and the Congress have an obligation to our troops to move quickly and complete action on the supplemental spending bill. But I do say to my friend from Mississippi: The President has asked for money. But for the first time in more than 4 years of this war, he has to deal with this constitutional body that was provided to our country by our Founding Fathers, called the Congress. It is another branch of Government. He has to deal with us. That is why there are negotiations prior to getting the President a conference report.

Had I drafted this amendment, I would have asked more of the White House than simply the Congress write a blank check to this administration. Too many blank checks have been given to this President, and look what we have as a result. It is important we deliver our troops a strategy that is worthy of their sacrifice. I would also have made improving their readiness a priority. What do people who have the military experience in this body focus on? Senator WEBB of Virginia, Senator JACK REED of Rhode Island, they focus on readiness; that is, how are the troops being taken care of, how are they being rotated? JIM WEBB, as we know, served gallantly in battle. He knows what it is to send troops into battle without proper readiness. He is concerned about that. We don't have enough about readiness, certainly, in the Cochran amendment.

We were going to have another vote on the Levin amendment. Basically, as I said to the Presiding Officer late last night, it was the amendment that went to the President and he vetoed it. The Levin amendment is the same thing except we gave the President waivers. You would think that would be a step in the right direction. But we have heard from all types of administration officials as late as last night: We will veto that. So we will make it easier for them. We are not going to go ahead and offer that. We will stand on the merits of what we sent to the President before.

Regardless of the outcome of today's votes, I want everyone listening to know that if my Republican friends choose to stick with a failed policy, congressional Democrats will take this fight up at the first available opportunity. We know we have to get a bill to the President, a conference report. We are going to do that. But there are other measures that are going to be moving through this body quite quickly—defense authorization, for example. We are going to continue focusing, as Senator BIDEN said, on the President's failed strategy. Our troops and their families deserve no less.

Look what is going on now. Is the Commander in Chief fulfilling his obligations? We were told with this most recent surge that General Petraeus would be the guy who would take care of things over there. But he has told us we can't win militarily. Now today we read in the paper that General Lute is going to be the czar. The czar? What about that? Whose job is he taking? Is he taking General Petraeus's job? Is he taking President Bush's job? What is next in the continual march of the President's failed policy?

We must change course. That is why I am going to proudly vote for the Feingold-Reid amendment.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that we retrieve 4 minutes of the time.

Mr. REID. I object.

Mr. WARNER. I wish to address the very harsh criticism of my distinguished friend and leader.

Mr. REID. I will be happy to yield 2 minutes to the Senator from Virginia. I will then use 2 minutes to respond.

Mr. WARNER. I say to my friend, I have worked on this amendment. I spent a good deal of time in the office

of colleagues on the other side of the aisle yesterday, incorporated several provisions in this amendment at their request. I say it was a good-faith effort to do my very best to point out the need for this Senate and the Congress as a whole to get the most timely flow of information available to us, both from the President and from two independent groups. I say when you get a man of the stature of General Jones, who is willing to go out and work with private sector organizations to make a professional assessment of the military of Iraq, that, I say to my friend, the distinguished leader of the Democratic side, is not weak tea. That is a commitment by a very brave, credible American to try to help this institution, the Congress, have a better understanding about the viability and the professional capabilities of the Iraqi armed forces.

I yield the floor.

Mr. REID. Mr. President, let me be very clear: I in no way suggested my friend from Virginia didn't act in good faith. That is the story of his life. I just say, another study? Look at the one in the newspapers today. They studied what is going on in Iraq today with the explosive devices—the people getting killed and maimed and injured. How many more studies do we need? The study that has already been completed in the minds of the American people is to change course in this civil war. We have too many people being killed and injured in that war. The course needs to change. I care a great deal about my friend from Virginia, but that doesn't take away from the fact that I have to call his amendment what I think it is. It is my opinion it is weak.

AMENDMENT NO. 1098

The PRESIDING OFFICER. Under the previous order, there is 2 minutes evenly divided on the Feingold amendment.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Feingold-Reid amendment would finally bring this disastrous war to a close by safely redeploying our troops from Iraq by March 31, 2008.

We can't afford to keep ignoring the rest of the world while we focus solely on Iraq. By redeploying our troops from Iraq, we can create a more effective, integrated strategy to defeat expanding terrorist networks whether they be in Afghanistan, Somalia, Algeria, Morocco, or even here at home.

It is time to end a war that is draining our resources, straining our military and undermining our national security, and the way to do that is by using our power of the purse to safely bring our brave troops out of Iraq. That is what the Feingold-Reid amendment does.

Over 6 months ago, the American people voted to bring this war to a close. Today, by passing the Feingold-Reid amendment, the Senate can finally do the same thing.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, we feel the matters directed in the Feingold amendment have been addressed repeatedly by the Senate, and the Senate has spoken its will and rejected those concepts.

I yield the floor and urge my colleagues to vote against the Feingold amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Feingold amendment No. 1098 to amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Russell D. Feingold, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard Durbin, Bernard Sanders, Daniel K. Inouye, Christopher Dodd, Ron Wyden, John Kerry, Debbie Stabenow, Ben Cardin, Jim Webb, Charles E. Schumer, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1098, offered by the Senator from Wisconsin, Mr. FEINGOLD, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 29, nays 67, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—29

Akaka	Feinstein	Mikulski
Biden	Harkin	Murray
Boxer	Inouye	Obama
Byrd	Kennedy	Reid
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Clinton	Kohl	Stabenow
Dodd	Lautenberg	Whitehouse
Durbin	Leahy	Wyden
Feingold	Menendez	

NAYS—67

Alexander	Bingaman	Carper
Allard	Bond	Casey
Baucus	Brownback	Chambliss
Bayh	Bunning	Coburn
Bennett	Burr	Cochran
Coleman	Inhofe	Rockefeller
Collins	Isakson	Salazar
Conrad	Kyl	Sessions
Corker	Landrieu	Shelby
Cornyn	Levin	Smith
Craig	Lieberman	Snowe
Crapo	Lincoln	Specter
DeMint	Lott	Stevens
Domenici	Lugar	Sununu
Dorgan	Martinez	Tester
Ensign	McCaskill	Thomas
Enzi	McConnell	Thune
Graham	Murkowski	Vitter
Grassley	Nelson (FL)	Voinovich
Gregg	Nelson (NE)	Warner
Hagel	Pryor	Webb
Hatch	Reed	
Hutchison	Roberts	

NOT VOTING—4

Brown	Johnson
Dole	McCain

The PRESIDING OFFICER. On this vote, the yeas are 29, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

AMENDMENT NO. 1098 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, cloture not having been invoked on the Feingold amendment, it is withdrawn.

AMENDMENT NO. 1097 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Levin amendment No. 1097 is withdrawn, and the cloture motion thereon is withdrawn.

AMENDMENT NO. 1134

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the cloture vote on amendment No. 1134 offered by the Senator from Virginia, Mr. WARNER.

Who yields time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Republican leader requires.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Senate on a bipartisan basis overwhelmingly rejected the notion of a surrender date. We now have an opportunity to vote for a proposal by Senator WARNER which I will allow him to describe that strikes me to make a lot of sense. I am going to allow him to describe the provisions of it, but I would urge a vote for the Warner amendment.

Mr. WARNER. Mr. President, the amendment embraces provisions which provide the ability for the Senate—indeed, the Congress as a whole—to become better advised with regard to the President's position on the compliance or noncompliance with the benchmarks, as well as an independent group headed by the former commandant of the Marine Corps, General Jones, as to the proficiency and the professional ability of the Iraqi security forces.

Secondly, another provision allows the GAO to give an independent analysis to the Congress on the Iraqi Government's achievement or nonachievement of the benchmarks. This is an amendment to help keep us informed. So when we proceed——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. To go on the August recess, we will be better equipped to deal with this question on the public's behalf and to tell our constituents our own individual feelings about this controversial issue.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DURBIN. Mr. President, let me say at the outset how much I respect the gentleman from Virginia. I thank him for his leadership time and again thank him for all he has given to this county.

I rise in reluctant opposition to this amendment and I want my colleagues to know why. Within this amendment which establishes benchmarks is a provision giving the President of the United States the power to waive. What does it mean? The same pen the President used to veto our bipartisan timetable to start bringing the troops home will be used to make this proposal a nullity. It will not achieve the goals we want to achieve.

Unless and until the Congress convinces this President to change his policy and does it in forceful terms, this war will continue with no end in sight.

I urge my colleagues not to support this amendment that is before us, cloture on this amendment, because, frankly, giving the President a waiver is a guarantee nothing will change.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Warner amendment No. 1134 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, Judd Gregg, Richard Burr, Mike Crapo, John Cornyn, Lisa Murkowski, Susan M. Collins, John Warner, Orrin G. Hatch, Craig Thomas, Larry E. Craig, John E. Sununu, Pete V. Domenici, James M. Inhofe, Trent Lott, John Thune, Christopher S. Bond.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1134, offered by the Senator from Virginia, Mr. WARNER, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—52

Alexander	Domenici	Nelson (FL)
Allard	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Graham	Roberts
Brownback	Grassley	Salazar
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Isakson	Specter
Cochran	Landrieu	Stevens
Coleman	Lieberman	Sununu
Collins	Lincoln	Thomas
Corker	Lott	Thune
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McConnell	
DeMint	Murkowski	

NAYS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Obama
Biden	Inhofe	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Clinton	Lautenberg	Vitter
Conrad	Leahy	Webb
Dodd	Levin	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	

NOT VOTING—4

Brown	Johnson
Dole	McCain

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. COLEMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1134 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, cloture not having been invoked on the Warner amendment, the amendment is withdrawn.

AMENDMENT NO. 1135

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the cloture vote on amendment No. 1135 offered by the Senator from Mississippi, Mr. COCHRAN.

Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment expresses the sense of the Senate that the President should receive from the Congress acceptable legislation to continue funding the operations—Iraqi Freedom and Enduring Freedom—by not later than May 28 of this year. The funds previously appropriated by the Congress for operations in this region are depleted, according to a letter and testimony before our committee from the Secretary of Defense and other military leaders and the service chiefs who have appeared before our committee as well.

The President requested supplemental funding over 3 months ago, and no supplemental funding has been approved by the Congress. We are putting troops at risk. We are keeping the military from deploying equipment and armaments that will protect the lives and save lives of American troops in this region. I think it is the responsible thing to do, Mr. President, for us to approve this supplemental funding.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. REID. Mr. President, we have been told by Pentagon officials that there is money there to the end of June. We have been told by the Congressional Budget Office that there is money there until July. But in spite of all that, we sent the President a bill. He vetoed that bill.

We recognize the need to get money to the troops. We are going to do that. I stated on the floor yesterday that we will take whatever time it takes to complete this funding prior to the recess we have scheduled for Memorial Day, and we are going to do that. We will work with the minority to do that.

I also suggest that we are all going to vote for cloture on this amendment, so maybe we don't need to vote on it. If Senators are all going to vote for it, let's accept it by voice vote.

Mr. BYRD. No, no, let's vote.

Mr. COCHRAN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory on a cloture motion.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Cochran amendment No. 1135 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, John Cornyn, Pete V. Domenici, Johnny Isakson, James M. Inhofe, Craig Thomas, Trent Lott, John E. Sununu, John Thune, Thad Cochran, Christopher S. Bond, Norm Coleman, John Warner, Richard G. Lugar, Jeff Sessions, Orrin Hatch, Gordon H. Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1135, offered by the Senator from Mississippi, Mr. COCHRAN, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—87

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Levin	Tester
Collins	Lieberman	Thomas
Conrad	Lincoln	Thune
Corker	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Wyden

NAYS—9

Boxer	Harkin	Menendez
Dodd	Kennedy	Sanders
Feingold	Leahy	Whitehouse

NOT VOTING—4

Brown	Johnson
Dole	McCain

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I know of no Senators who have expressed a desire to speak on the amendment. Therefore, given the fact that cloture has been invoked, I suggest the Chair put the question on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1135) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I wanted to give Senators and staff an update on where we are with the WRDA bill now that we have voted on these various Iraq resolutions.

Where we are now is that our work is almost done on this bill. We are down to the final amendments that are in the managers' package. One of our colleagues, Senator COBURN, is looking at about three or four of these amendments that he has some problems with. We are very hopeful we can work with him to resolve those questions because we have many items in the managers' package. We think about 10 or 12, or more, actually. So he is looking at four, and we are working with him to resolve them.

If we can resolve that, it would be a wonderful thing because we could get done with this bill. Senator DEMINT has two amendments which we are looking at on our side, and we think we can work with those amendments. We think we can reach agreement on those amendments.

So here is where we are. This bill is being slowed down because of four particular items in the managers' package that Senator COBURN is looking at right now and we are working with him. If we can resolve those questions, and we can certainly resolve Senator DEMINT's amendments, we will be done with this bill, and we can roll them all into a managers' package, either do them by voice vote or have a recorded vote and then a final passage vote, which, believe me, would be welcome news for the workers and the businesses of our great country.

If we cannot resolve these remaining matters, we are very willing to have votes on those questions and we would like to start that this afternoon. We will just work our way through the six votes and see how it all comes out, but we are hopeful. We are going to give it another hour, hour and a half to talk to colleagues. I didn't want colleagues to think that Senator INHOFE and I weren't continuing to focus on this bill. We are. We are working our caucuses in an effort to get this done.

I am going to relinquish the floor, and we will be back as soon as we have some agreement on these remaining amendments.

I see the distinguished ranking member on the floor now, so we will have a chance to collaborate on where we stand, and I yield the floor for my colleague to speak at this time.

Mr. INHOFE. Mr. President, we have come a long way. I am sorry I wasn't here to hear Senator BOXER's remarks, but I am sure I agree with the remarks of the chairman of the committee.

We are down now to a manageable number of amendments. We are working very diligently, and I understand there are two Republican amendments and four Democratic amendments. The time is here for us to do everything we can to try to make this happen. I think almost everyone in here, Democrat and Republican, is for this bill. It has been 7 years since we have had this reauthorization bill. It is overdue, so we need to have it now.

We debated this for 2½ hours yesterday, so I would encourage any one of the authors of these six amendments to come and work with us and get this thing done. It would be a shame if we came this far and didn't get it done. So I join my chairman, Senator BOXER, in encouraging everyone to work together.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MENENDEZ pertaining to the submission of S. Res. 203 are printed in today's RECORD under "Submitted Resolutions.")

Mr. MENENDEZ. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. CASEY. Mr. President, over the last couple of months, we have been debating the policy in Iraq, and over the first 4 months of the 110th Congress, the Senate has spent many days debating this policy. I and many other Senators believe we should move in a new direction and change the policy by transitioning the mission to training Iraqi forces, fighting terrorists, and protecting our troops and civilian personnel in Iraq.

As part of this new policy, we should have a phased redeployment strategy to begin the process of winding down the war to get our brave combat forces home. Our troops have accomplished every mission in Iraq. They have done their job. It is well past time that the President, his administration, and this Congress do our job as they have done their job in Iraq.

The war has diverted our attention and resources from the broader war against al-Qaida and its allies which continues unabated 5 years following the horrific events of September 11. Despite this administration's exaggerated rhetoric in the months leading up to our invasion, Saddam Hussein's regime

did not have any direct ties to al-Qaida, and our decision to topple his regime without international support drained resources from our ongoing efforts in Afghanistan. The Bush administration's inexcusable lack of planning for a postwar environment and the stunning incompetence in managing the occupation gave birth to a large, mostly Sunni-based insurgency in Iraq. This insurgency, aided by a steady flow of foreign fighters, is now giving birth to a new generation of al-Qaida terrorists providing ideological inspiration for extremists around the world.

The Presiding Officer knows, as well as so many others, that contrary to the administration's rosy rhetoric in 2002 and 2003, the decision to invade Iraq has served as a major setback in our overall struggle against Islamic extremism and the terrorism that movement inspires. Dr. Bruce Hoffman, one of the world's leading experts on terrorism, who recently briefed me, has declared:

> The United States' entanglement in Iraq has consumed the attention and resources of our country's military and intelligence communities at precisely the time that Osama bin Laden and other senior al-Qaida commanders were in their most desperate straits and stood to benefit most from this distraction.

For that reason, it is essential that we get our Iraq policy on the right path by beginning to redeploy our U.S. combat forces, emphasizing training of Iraqi security forces, protecting our forces, and engaging in targeted counterterrorism missions.

The war against al-Qaida and its extremist allies continues on multiple fronts around the world. This is a generational battle, so our Nation must respond accordingly. Vice President CHENEY, seeking to validate the administration's counterterror efforts, declared last fall:

> I don't know how much better you can do than no attacks in the last 5 years.

Every American is grateful that the Vice President's statement continues to hold true. We must salute those men and women in our Armed Forces, our intelligence community, and our law enforcement networks, from State and local police forces to the FBI, who have helped protect our Nation against further attacks. To take one example, it was skillful surveillance and old-fashioned gumshoe work on the part of the CIA and FBI agents, closely cooperating with their British counterparts, which allowed us to stop in its tracks a chilling plot to blow up as many as 10 airplanes crossing the Atlantic in August of 2006.

Unfortunately, the absence of terrorist attacks in the United States does not signify any reduction in the overall threat posed by al-Qaida and its allies waging battle on behalf of Islamic extremism. The dangers our Nation still face today were brought home by two developments in recent days.

The Presiding Officer knows this well because of the State he represents. First, six men were arrested last week for conspiring to launch an attack on Fort Dix in New Jersey and ''kill as many soldiers as possible.'' This homegrown cell of Islamic extremists was broken up when two of the defendants sought to purchase assault weapons from an undercover FBI agent. They had engaged in small arms training at a shooting range in the Pocono Mountains in my home State of Pennsylvania.

Second, another development. Late last week the U.S. Embassy in Berlin issued a general threat warning indicating that a terrorist attack against U.S. military or diplomatic facilities in Germany may be in the final stages of planning. This plot may be linked to the upcoming G8 summit to be held in Germany later this summer.

We have all seen the press reports indicating fresh evidence that al-Qaida is once again establishing training camps in southwest Asia, only this time in Pakistan, not Afghanistan. Although we achieved successes in late 2001 and 2002 in cutting off al-Qaida's hierarchy from its foot soldiers around the world and severing operational links inside the organization, these gains are slowly disappearing. Instead, we see the chain of command within al-Qaida reemerging with fresh evidence of plans of potential terrorist strikes in western Europe and perhaps even our own homeland.

Just listen to what the Director of National Intelligence, Mr. McConnell, declared in recent testimony to the Senate Armed Services Committee:

> We also have seen that al-Qaida's core elements are resilient. They continue to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' hideout in Pakistan to affiliates throughout the Middle East, northern Africa, and Europe.

The deadly reach of al-Qaida was reaffirmed with April's coordinated explosions in and around the capital of Algeria, killing 24 and wounding more than 200. A group calling itself al-Qaida in Islamic North Africa claimed responsibility for the blasts, a severe blow to a nation that was finally coming out of the ashes of the horrific civil war in the 1990s.

Mr. President, we know in order to neutralize this reconstituted and possibly more dangerous version of al-Qaida, the U.S. must embark on a global counterinsurgency campaign which recognizes that military force is an essential, but not sufficient, response to this threat. The U.S. must draw on all elements of our national power—military, political, and economic—in a coordinated campaign that seeks to deny refuge and sanctuary to al-Qaida forces wherever they reside.

The Third Way National Security Project recently released an insightful report that calls for a global constriction strategy against al-Qaida—an effort to suffocate the al-Qaida movement and pressure its physical resources, its people, and its vehicles of propaganda—all in a unified effort to shut down al-Qaida's ability to wage war through large-scale acts of terror. We can accomplish this strategy through multiple methods: doubling the size and increasing the skill sets of our Special Forces troops, working with other nations to more effectively crack down on terror financing flows, and, finally, getting serious on public diplomacy so that we can counter and refute the hate-filled messages from extremists at every turn.

Recently, former Senator Gary Hart suggested that we should create a fifth military service branch which would unify all Special Forces under one command, an idea worthy of consideration and further study.

We also need to send a firm message to Pakistan that the United States cannot tolerate the return of al-Qaida training facilities anywhere in the world. If such camps are on sovereign Pakistani territory, then it is the responsibility of the government in Islamabad to ensure that those camps are shut down. General Musharraf has been a partner of the United States, and his government has played a valued role in some of our most notable counterterrorism successes. But we cannot abide any backsliding when it comes to this issue.

Al-Qaida is not only reconstituting its networks and operational capabilities, but it is also making gains in the broader battle of ideas—the clash between modernity and reason and extremism and jihadism. These are two very different worldviews fiercely competing every day for the hearts and minds of the Muslim world. America will win the war against extremism when we persuade the citizens of Egypt, Iran, Saudi Arabia, and other nations of the strength of our ideas and values and offer a path away from militancy and irrational hatred.

But we have been going in the wrong direction on this front. We only need to recall the immediate aftermath of the 9/11 attacks when the world united with us in grief and sympathy. Who can forget that grand headline, in France of all places, on September 12, 2001: ''We are all Americans.'' The United States had a historical opportunity to unite the world in a common cause against the forces of terrorism and extremism and destroy the al-Qaida network and the twisted beliefs that serve as its cornerstone. Instead, by pursuing a black-and-white, our-way-or-the-highway approach, this administration helped transform our Nation's greatest asset—the appeal of the American spirit around the world—into a liability.

America today evokes feelings of resentment and distrust, negativity and hostility. Instead of building a grand international coalition on behalf of the values that unite us, the White House settled for temporary and weak ''coalitions of the willing'' that have left us far too isolated.

Since 2001, the Pew Global Attitudes Project has tracked on a regular basis

how America is perceived overseas and global attitudes toward the U.S.-led war on terrorism. Across the board, we have seen a dramatic decline in positive views toward the United States and, even more troubling, the American people. This decline has been especially marked in the Islamic world, where Osama bin Laden and al-Qaida enjoy far stronger favorability ratings than our Nation. In both Morocco and Jordan, both relatively moderate Muslim nations, a 2005 poll found that approximately half of respondents in both nations believe suicide attacks against Americans in Iraq are justifiable. In Indonesia, positive views of the United States plunged from 61 percent to 15 percent in 1 year alone—from 2002 to 2003. Unfortunately, those numbers have barely edged upward in recent years.

Something has gone terribly wrong when a vile terrorist organization is in a more positive light than our great Nation. That is, apparently, what some surveys show across the world. I understand that the United States is the biggest guy on the block and a certain level of resentment will always exist. Yet, we cannot succeed in this global struggle against terrorism and extremism if our own ideas and our own image are viewed in such distorted, negative terms. We must recommit ourselves to a global public diplomacy campaign that conveys our Nation as it truly is—a beacon for liberty and hope. Our efforts will succeed when we inspire those currently sitting on the fence in the Muslim world to reject the false ideals that al-Qaida and its brethren promote. In waging an offensive against al-Qaida, our ideas will be as important as the might of our military forces.

While we must wage a strong offensive against al-Qaida and its extremist allies, we cannot neglect a strong defense here at home. Combating terrorism requires a strong homeland security effort, to ensure that our Nation can effectively defend and deter against attacks that can kill or injure tens of thousands of Americans in one strike. Unfortunately, homeland security has long been an afterthought for this administration, instead used primarily as a rhetorical weapon against its political opponents. The Department of Homeland Security's ineffectual record and poor performance bear witness to this neglect.

It is easy to forget that this administration fiercely opposed the creation of the Department of Homeland Security, instead arguing that a small office in the White House could adequately do the job. The administration long resisted the full implementation of the 9/11 Commission recommendations—a serious oversight that the 110th Congress has sought to rectify, with both the House and the Senate passing comprehensive legislation to help ensure that all of the commission's recommendations are finally put in place. When it came time to replace Tom Ridge as Secretary of Homeland Security, the White House put forward as its first choice Bernard Kerik—a political hack with a checkered past—only to withdraw the nomination days later after a series of embarrassing disclosures on his personal background.

The Department of Homeland Security has lacked the necessary budgets, leadership, and political support required from the White House to do its job properly. Although the administration created a brand new department to coordinate homeland security policy, overall funding for homeland security programs barely grew after DHS opened its doors in early 2003. The upper echelons of the Department have constituted a revolving door with industry, as senior political appointees spend only a year or two in their positions before cashing in on their contacts and joining lobbying firms and technology firms with interests before the Department. We saw the culmination of this neglect and indifference in the Department's shameful response to Hurricane Katrina in the fall of 2005.

Although I do not sit on the Homeland Security and Governmental Affairs Committee, I take a strong interest in these issues, as they are vital to my constituents in Pennsylvania. And so I believe there are three key areas where this Congress can take further action to help ensure that our Nation is better prepared to protect itself against a future attack. First of all, we must ensure that our limited homeland security dollars are spent wisely. Although I respect the general principle that Federal spending must be allocated in a manner fair and proportionate for all 50 States represented in this Chamber, we cannot treat homeland security funding as just another Government program. It is an undeniable fact, one emphasized by the 9/11 Commission, that some States, some cities, and some targets are at significantly greater risk to attack than others. And so we must allocate our homeland security funding on a risk-focused basis.

During the Senate's debate on the 9/11 Commission bill, I was proud to stand with the distinguished Senator from California, Mrs. FEINSTEIN, and others in fighting for an amendment that would revise our funding formulas to ensure that homeland security dollars flow, first and foremost, to those cities and States with the greatest at-risk targets. Although this effort failed, I was pleased to see that we have made progress since the last Congress and encourage the House-Senate conference to ensure that risk-based funding provisions be included in the final bill.

A second area of strong concern to me is the prospect of terrorists transforming our chemical plants and hazardous material rail shipments into lethal chemical weapons. A Congressional Research Service report indicates that there are at least 16 chemical plants in Pennsylvania where a release of toxic chemicals could cause over 100,000 deaths, and two plants where such a release could result in over a million deaths. This threat has been brought home in recent weeks as we see insurgents in Iraq engineering large explosions of chlorine tankers to spread noxious fumes in populated areas. These attacks are growing in sophistication and lethality and I worry that they may provide a blueprint for similar attacks in the United States. Therefore, I am encouraged that the Department of Homeland Security released its final regulations on chemical plant security earlier this month. These regulations are a good start, but we need to do much more. In particular, we need to ensure that the Department of Homeland Security's Chemical Security Office receives far more than the paltry $10 million it was appropriated for the current fiscal year.

It is also essential to permit those state and local governments which wish to adopt even more stringent protective measures to do so. The regulations issued by the Department are somewhat ambiguous on this point, and so both Houses of Congress have endorsed language that preserves the right of State and local governments to ''preempt'' Federal regulations so long as they are not in direct contradiction. This language would permit the Department of Homeland Security to establish a minimum floor for chemical security regulations, but, yielding to the best principles of federalism, allow individual State and local governments to go beyond those minimum regulations where appropriate.

Finally, it is incumbent that our Nation takes steps to once and for all ensure that our first responders have reliable access to secure interoperable communications. After 343 firefighters and paramedics gave their lives on 9/11, and countless victims died during Hurricane Katrina, because emergency personnel were unable to communicate with each other, it is unacceptable that we have still failed to establish a nationwide interoperable communications system that will allow local, State, and Federal first responders to communicate with each other in a seamless and uniform fashion. For this reason, I am proud to join my distinguished colleague from Arizona in cosponsoring S. 744, the SAVE LIVES Act, a bill ensuring that an additional 30 MHz in the 700 MHz spectrum band be dedicated to public safety.

The SAVE LIVES Act would require the Federal Communications Commission to auction 30 MHz of the spectrum, which is otherwise scheduled to be made available in January 2008 for general commercial purposes, under a conditional license requiring any winning bidder to meet detailed requirements to operate a national, interoperable public safety broadband network. A commercial provider can use this broadband spectrum for commercial purposes, but must make available the

spectrum for public safety purposes whenever it is needed.

I am proud to be the first cosponsor on this important legislation. I strongly urge the Senate Commerce, Science, and Transportation Committee to take up this bill immediately, because we don't have time to lose. Pursuant to a previous congressional mandate, the FCC must auction spectrum in the 700 MHz band by January 28, 2008. Unless this bill passes in some form beforehand, all of that spectrum, with a small exception, will be auctioned off to commercial providers, with no requirement that any of it be made available to first responders for public safety purposes.

Secure, interoperable communications is an issue of particular interest to my constituents in the city of Philadelphia. Currently, first responders are unable to use their radios in the tunnels of the city's subway and commuter rail system, SEPTA. The city has applied for DHS grants in past years to wire the tunnels to facilitate communications, but those applications have been rejected. I intend to work with the city and other members of the Pennsylvania Congressional delegation to ensure that the fifth largest city in the Nation is prepared for any potential emergency in its transit system.

There are a number of other strong policy proposals that I urge this Congress to consider to further strengthen our Nation's homeland security. I do not have the time today to discuss them in further detail, but at a minimum, we should take a serious look at the following areas:

Ensuring that we inspect the air cargo transported by passenger airlines to prevent terrorists from planting a bomb in a plane's underbelly; strengthening our border security with better technology and additional Customs and Border Patrol agents; working with the private sector to develop real incentives for both large corporations and small businesses to adopt commensense solutions that mitigate the risks of an attack and thus make them less attractive targets to terrorists; undertaking a serious and comprehensive approach to locking up sources of nuclear missile material around the world to prevent our worst nightmare—an improvised nuclear bomb destroying an American city.

All of us remember where we were and what we were doing on September 11, 2001. The memories of that terrible day will remain with all of us so long as we are alive. Our Nation has been blessed that we he not had to endure another attack during the intervening 5 years, but we recognize that our friends in Western Europe, Southeast Asia, and the Middle East have suffered ghastly attacks that have taken the lives of innocent civilians and spread terror. The war in Iraq is at the center of our national discussion today, but we cannot allow it to distract us from the objectives the America people set out to achieve in the fall of 2001: destroying al-Qaida and denying legitimacy to the ideas of jihadist extremism.

It is time to refocus our attention and resources. Al-Qaida may not have mounted another attack against our citizens, but they have tried and are once again on the march. We must rededicate ourselves to a comprehensive strategy that seeks to constrict Al-Qaida's bases of support and undercuts their popular legitimacy in the Muslim world. On the home front, we must ensure that we are adequately prepared to deter and defend against likely attacks that seek to exploit our open society and sow panic and economic damage.

If America truly is engaged in a generational battle against the forces of extremism, our Nation must adopt a serious and comprehensive approach to counterterrorism, both overseas and at home. We owe the victims of 9/11 and their families no less—indeed, we owe the American people no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, this is a very difficult time for those of us who have long known that the war in Iraq was a strategic error of monumental proportions but who also understand the practical realities of disengagement. The majority of this country believes we need to readjust our Iraq policy and get our combat forces off the streets of Iraq's cities. A majority of our military believes this administration's approach is not working. A majority of the Congress believes we need a new approach.

There are sound, realistic alternatives that could be pursued toward the eventual goal of removing our troops from Iraq, increasing the political stability of that war-torn region, increasing our capability to defeat the forces of international terrorism, and allowing our country to focus on larger strategic priorities that have now gone untended for years. Unfortunately, few of these alternatives seem to make it to the House or Senate floor in a form that would truly impact policy.

With respect to the approaches that have been taken recently, let me first say I am somewhat cynical about the stack of benchmarks that have appeared in recent bills laying down a series of requirements to the Iraqi Government. The reality is that the Iraqi Government is a weak government. Like the Lebanese Government 20 years ago, it has very little power, and it is surrounded by a multiplicity of armed factions which have overwhelming power in their own concentrated areas of activity.

Too often, the benchmarks that we, in our splendid isolation, decide to impose are little more than feel-good measures, giving us the illusion that we are doing something meaningful. Just to make them more illusory, the language we send over on benchmarks and other policies, such as unit readiness and length of deployment, are usually couched with waivers, so the President can simply ignore the language, anyway. What does this do? How can we continue these actions and then claim to the American people that we are really solving the most troubling issue of our era? Some of these discussions remind me of what Mark Twain once wrote, saying that the Government in Washington is like 2,000 ants floating down the river on a log, each one thinking they are driving it.

Secondly, let me say that I admire the intentions of the bill my colleague, Senator FEINGOLD, introduced today. However, I could not vote for that bill because an arbitrary cutoff date for funding military operations in Iraq might actually work against the country's best interests in an environment where we have finally seen some diplomatic efforts from this administration. Recent initiatives from Secretary of State Rice, Ambassador Crocker, and Admiral Fallon, the new commander of Central Command, hold out the hope, if not the promise, that we might actually start to turn this thing around.

Admiral Fallon has publicly stated that we must deal with Iran and Syria. Ambassador Crocker, at this moment, is arranging a diplomatic exchange with Iran. Secretary of State Rice has cooperated at the ministerial level in an environment where her Iranian counterpart was also at the table. Importantly, Admiral Fallon mentioned during his recent confirmation hearing that it is not the number of troops in Iraq that is important but the uses to which they are being put.

So there is some room for movement here, as long as the movement occurs in a timely fashion. An arbitrary cutoff date would, at this point, take away an important negotiating tool. Let us just hope they use the tools we are providing them in an effective manner.

There is, however, one issue which demands our immediate attention and which should not be delayed. As we look at our options here in Congress, I continue to firmly believe we have a duty in an area which is not being properly addressed by this administration and which is in the proper purview of the Congress. When the supplemental appropriations bill is returned to the President, it should contain language prohibiting this administration from deploying Army units for longer than 12 months and from deploying Marine Corps units for longer than 210 days. It should also prohibit sending

any military individual overseas unless he or she has been home from a previous tour for at least as long as they had been deployed. In other words, if you have been gone a year, you should come home for a year before you go back.

This administration has gone to the well again and again, extending the length of military tours and shortening the time our soldiers and marines are allowed to be at home before being sent again and again into Iraq and Afghanistan. Absent the gravest national emergency, there is no strategy in Iraq or elsewhere that justifies what has been happening with the deployment cycles of the men and women we are sending into harm's way. It has reached the point that the good will and dedication of our military people are being abused by policymakers obsessed with various experimental strategies being conducted at their expense. These people have put their lives literally into the hands of our national leadership. There are limits to human endurance, and there are limits to what military families can be expected to tolerate in the name of the national good. For that reason, I urge our conferees to include language which will limit this policy in the bill that will be returned to the President.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in these dangerous times, we face terrorist threats around the world. The decisions we make here in the Senate must put us in a stronger position to fight and defeat terrorists wherever they hide. Just last week, the United States and German Governments unraveled the reported plot to attack American interests in Germany. This development reminds us that we face dangers all around the globe, and we need to be able to dispatch our resources wherever and whenever they are needed to keep us safe.

Unfortunately, having nearly 150,000 American troops stuck in the middle of a civil war in Iraq does not strengthen our ability to fight terrorists from around the globe. In fact, by forcing our troops to police a civil war and by not giving our troops the equipment and training they need, the President's current policy is impairing our military readiness and our ability to fight and win the broader war on terror. It is time to refocus our efforts back on to the broader war on terror. Yes, we will still fight and defeat the al-Qaida terrorists who are in Iraq. But we recognize that terror networks exist in many other countries, and we have to fight and defeat terrorists in those places as well.

That is why I supported the Feingold-Reid amendment this morning. That amendment recognizes that leaving our troops in the middle of a civil war in Iraq is not the best use of our military. It doesn't make us safer at home, it diminishes our ability to fight the broader war on terror, and it impairs our military readiness.

It is clear the Iraqi civil war cannot be solved militarily. It must be solved politically. Today we are 5 years into this war. Thousands of American lives have been lost, and billions of U.S. taxpayer dollars have been spent. Yet the Iraqis have not moved forward with meeting key benchmarks and beginning reconciliation. We have to show the Iraqis that we will not police their civil war indefinitely and that they must take responsibility for their own future. The redeployment language of the Feingold-Reid amendment from this morning makes it very clear to the Iraqis that our commitment is not open-ended and that they must make the necessary compromises to bring peace to their country.

In Iraq, our troops have done everything we have asked them to do. Now it is time to begin redeploying our troops, rebuilding our military, and getting back to fighting the war on terror.

As I look at these issues, I see four imperatives: First, we have to fight and defeat terrorists; second, we have to recognize the war in Iraq is impacting our ability to do that; third, we have to rebuild our military readiness, which has been seriously compromised by this war in Iraq. Finally, we have to be there to support our servicemembers, our veterans and their families, every step of the way.

First of all, we all recognize that we are in a war with terrorists around the world and we need to fight and win that war. This is not a war against countries. We are in a war against terrorists wherever they reside. President Bush wants us to believe the war in Iraq is the war on terror. It is not. The war on terror that our country faces is not the same thing as the civil war that is raging in Iraq. What is happening in Iraq is primarily a civil war between factions that have been in conflict for generations. The Feingold-Reid amendment empowers our military to target and destroy any terrorist elements in Iraq, but it would not force the majority of American troops to be stuck indefinitely in the crossfire of a civil war.

As we look at the terrorists our Nation confronts, al-Qaida is the most dangerous, according to the declassified National Intelligence Estimate from last year.

That NIE report said:

> Al-Qaida will continue to pose the greatest threat to the homeland and U.S. interests abroad by a single terrorist organization.

The NIE also said the jihadists ''are increasing in both number and geographic dispersion. If this trend continues, threats to U.S. interests at home and abroad will become more diverse, leading to increasing attacks worldwide.''

Al-Qaida is the threat. We have to get back to fighting al-Qaida, and that is what the Reid-Feingold amendment would allow.

Under that amendment, while most troops would be redeployed, some would remain to conduct targeted operations against al-Qaida and other terrorist groups. They would provide security for American infrastructure and personnel, and they would be allowed to train and equip the Iraqi security forces.

This administration's focus on Iraq has distracted us from the larger war on terror, and it has left us vulnerable. Our country faces possible threats from terrorists around the world, and we need a security strategy that ensures that we can fight those threats wherever they are. But, instead, the Bush administration has become increasingly focused on Iraq, which weakens our ability to fight that broader war on terror just when we must be strong.

Next, let's look at the relationship between the civil war in Iraq and our own security. Does having so much of our military tied up in Iraq's civil war make us safer? Does it help us fight terrorists around the world? The truth is, leaving our troops in Iraq is not making us more secure.

A State Department report from 2 weeks ago found:

> International intervention in Iraq has been used by terrorists as a rallying cry for radicalization and extremist activity that has contributed to the instability in neighboring countries.

According to our own State Department, our involvement in Iraq is making the region less stable, not more stable. The war in Iraq has the potential to make it harder for us to respond to other threats around the world. That is because the conflict in Iraq is tying up large parts of our military and is degrading our military readiness, which brings me to my third point.

We must rebuild America's military. We can all be proud that our country is home to the finest fighting forces in the world. But we must also face the truth. The war in Iraq has impaired our military readiness, and that is not just my opinion, it is the opinion of military leaders and experts who say it may take us, now, 5 years to rebuild our military.

The Iraq war has impaired our readiness by forcing a hard-to-maintain tempo on our troops, by destroying our equipment, by reducing the capabilities of our Guard and Reserve, and by limiting the training that our troops receive. Today we are forcing a very tough tempo on our servicemembers. They all want to work, and they all want to work hard. But we have to

make sure the demands placed on them are reasonable. The Pentagon has extended tours of duty for our troops. It has deployed troops sooner than planned. It has sent troops without all the training and equipment they should receive. It has deployed troops without the downtime at home that our servicemembers and their families deserve.

Two Army brigades are on their fourth deployment now to Iraq and Afghanistan. That tremendous pace with little downtime in between is a strain on our troops. Our military is the best in the world. I believe we need to address those strains on our servicemembers so we can remain the best in the world.

The Iraq war is also impairing our readiness by destroying our equipment. The Army, for example, is supposed to have five brigades' worth of equipment prepositioned overseas, but because of the war in Iraq, the Army is depleting those reserves. GEN Peter Schoomaker told the Senate just last month:

> It will take us 2 years just to rebuild those stocks.

Our military is the best in the world. I believe we need to address the strains on equipment so we can remain the best in the world.

The Iraq war has especially impacted the readiness of our National Guard. The Chief of the National Guard Bureau, LTG Stephen Blum, testified that the readiness of National Guard forces is at a historic low. He said:

> Eighty-eight percent of the forces that are back here in the United States are very poorly equipped today in the Army National Guard.

A national commission looked at the National Guard and Reserve and sent its report to Congress last March, a few months ago. The commission said:

> We believe that the current posture and utilization of the National Guard and Reserve as an ''operational reserve'' is not sustainable over time, and if not corrected with significant changes to law and policy, the reserve component's ability to serve our Nation will diminish.

Our military is the best in the world. I believe we need to address the readiness of our Guard and Reserve so we can remain the best in the world.

We also rely on our Guard members when disaster strikes at home. We need their trained personnel and equipment to respond quickly. After the horrible tornadoes that occurred in Kansas just a few weeks ago, the Governor of Kansas said recovery efforts for those two States were hampered because there were not enough personnel and equipment. Where were those resources? In Iraq, not here at home.

COL Timothy Orr of the U.S. Army National Guard told the Senate that his brigade's homeland security capabilities have been degraded.

He testified to us:

> Our ability as a brigade to perform these homeland missions continues to be degraded by continued equipment shortages, substitutions, and the cross-leveling of equipment between the State and the Nation to support our deploying units.

I have shown now how the Iraq war has impacted the readiness of our troops, of our equipment, and of our National Guard. The pace of deployment to Iraq is also hindering another measure of readiness—the training that our servicemembers receive.

To meet the President's surge, the Pentagon has been sending some troops to Iraq earlier than was planned, and they are keeping other units there in Iraq longer than planned. That means our troops are getting less time at home, less time between deployments, and importantly, less time to train. Commanders are forced to shorten the training their troops receive so they are focusing now only on specific training that they need for Iraq, but not for other potential conflicts.

That makes sense if there is limited training time. We want all that time devoted to their most immediate need. However, many military leaders are now warning us that this fast pace diminishes our ability to respond to other potential conflicts. Here is how the colonel who commands the First Marine Regiment put it:

> Our greatest challenge is and will remain available training time, and because that time is limited, our training will continue to focus on the specific mission in Iraq. This has, and will continue to, limit our ability to train for other operations.

Army COL Michael Beech told the Senate in April that he believes our training strategy is broad enough to support a variety of other events. But he added:

> However, if deployed in support of other emerging contingencies, I would be concerned with the atrophy of some specific tactical skills unique to higher-density conflicts.

We have military commanders telling us that they are concerned that our ability to train for other missions has been limited and certain tactical skills have atrophied. We don't know what the future of our world brings. We don't know what types of conflicts we will need to be prepared to fight. It is our responsibility, as leaders today, to be preparing for whatever the future brings for the next generation. By allowing our troops to only now be trained for today's mission, we are not meeting our responsibility for the long-term dangers our country must be prepared to defeat.

Our military is the best in the world. I believe we have to address these training shortfalls so we can remain the best in the world.

I am also concerned at the billions of dollars that we are spending in Iraq, coming at the expense of our ability to be strong at home. I am very concerned that the Bush administration has chosen to fund this war in ways that have meant that homeland security priorities at home have not been fully funded. I have worked very hard with my colleagues to try to correct that in areas such as port security grants and first responder funding. But it is not easy to overcome years of misplaced priorities from this administration.

Let me share with you some of the examples from this President's latest budget proposal. President Bush, in his budget proposal to us, dramatically cut funding for first responders to pay for the war in Iraq. His budget cut critical State homeland security grants by $348 million, or about 60 percent, to pay for the war in Iraq. He reduced urban area grants by $185 million—that is a 25-percent reduction—to pay for the war in Iraq. He cut our local law enforcement terrorism prevention grants by $119 million. That is a cut of 33 percent at home to pay for the war in Iraq.

Mr. President, we know funds are limited, so we have to be smart. Policing a civil war in Iraq should not come at the expense of our security right here at home.

Finally, as we fight and win the war on terrorism and we rebuild our military, we have to be there every step of the way to support our servicemembers, our veterans, and, importantly, their families. We need to meet their needs every step of the way from the day they are recruited, while they are being trained, when they are deployed, and, importantly, when they transition back here at home.

Today, too many of our servicemembers are falling through the cracks and not getting the support they deserve. That is why I have been working on the Veterans' Affairs Committee and the Appropriations Committee to identify those needs, to fund them, and to have the appropriate policies so we support those men and women who have so strongly supported us.

At the end of the day, our security comes down to people, people doing a job this country has asked them to do. We have to keep our promise to them. We face terrorist threats around the world. We must and we will defeat them. But to do so, we have to be smart and we have to be tough.

Unfortunately, the civil war in Iraq is not making us more secure; it is making us less secure. We need to refocus our efforts back on the war on terrorism and we need to rebuild our military. I supported the Feingold-Reid amendment this morning because it sets a new direction for our involvement in Iraq so we can refocus on the larger security challenges our Nation faces.

This is what I am fighting for in the Senate. I know we can do it. We can take care of our men and women in uniform, we can improve security right here at home, we can track down and eliminate terrorists around the world. It is a matter of getting our priorities straight.

Redeploying our troops from Iraq so we can focus on those other priorities is a critical first step in the Senate we have to take.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend the senior Senator from Washington State for her statement. She expressed similar concerns at the time of the original vote on the war in Iraq. She courageously stood up and spoke to why the mistakes were being made.

I have to say, especially seeing the distinguished Presiding Officer from my own State of Vermont, I think it is safe to say, if the same speech had been given in the State of Vermont, way over across the continent to our State, it would have been widely and happily received.

We have a situation where one time people put on the ribbons to support the troops, as we all do, we all do, but then when the budget comes, we find, well, we will support everything but those things needed by our troops when they come home—everything that is needed by our veterans, everything that is needed by a lot of our troops while they are over there, and this will not change until more people speak out as courageously as the Senator from Washington State has.

I commend her. She has been very consistent. They are words that this Vermonter is glad to hear. I am glad she is saying it at a time when both the distinguished Presiding Officer, the Senator from Vermont, and I had a chance to be here. I applaud her for it.

Mrs. MURRAY. I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, Members of the Senate—at least a certain limited number—are intensely involved in an attempt to draft an immigration bill that will serve the national interest. I say ''serve the national interest'' because there are quite a number of special interests. There are the interests of poor people all over the world who would like to come here, interests of all kinds. But at one of our hearings, we had several professors and experts on immigration and the economy. They said we ought to ask what is in the national interest and do that. That can also cause us to develop a thought process that could lead to legislation of which we can be proud.

One thing that is not in our national interest is to continue the current policy of immigration. It is not working. It has comprehensively failed us. We all know that. We have been at this for some time. We know this system is not working effectively. It has not made us proud. Congress deserves a lot of blame. Often unmentioned is that very considerable blame should fall on Presidents over the last 20 years because I am not aware of a single time any of them have come to Congress with a comprehensive request for action that would actually fix this broken system. So both Congress and the President deserve criticism.

These discussions are ongoing. I admire the Senators who are participating. I am aware these discussions are going on. People ask me: Senator, does that offend you? I say: No, you need some people to gather to try to hammer something out and sometimes to make a blocked system begin to work. There are some excellent Senators participating in that activity. But I have to tell my colleagues, I have some concerns. My predictions last week seem to be coming true today; that is, a process has been ongoing that could lead to us having an entirely new bill plopped on the floor of the Senate, that nobody has had a chance to read on one of the most important issues facing our country.

Some say: Oh, it is not so important. We have to get the bill off the floor. The public is going to be mad, so the sooner we can just bring this thing up and vote it out and get it away from here, the less blame is going on fall on us.

That kind of thinking is afoot here, I am afraid. But it is not good thinking. I believe the American people know this is an important issue. They believe we should get it right. They want us to get it right. They know there are going to have to be some tough choices. I know there are people talking, calling in on the radio and fussing and saying unkind things sometimes that they shouldn't say. We have people calling in with Pollyanna-ish ideas that are not worth two cents. People sort of judge the debate by maybe what they hear in those circumstances.

We need to work up a bill that can be effective, that would actually work. It cannot be done quickly. Fortunately, the efforts have been abandoned on the bill that we passed last year, amazingly. It was an absolutely fatally flawed piece of legislation that should never have become law. I think Members of the Senate, many of them who voted for it, had they believed it would become law, probably wouldn't have voted for it. They also didn't know what was in it. It was over 800 pages. They knew the House wasn't going to pass it. That is not responsible leadership.

This year, we have a new framework. When you have a new framework, you are not able to analyze portions of last year's bill and see how the new framework is going to work. So we are told that they are coming close to reaching agreement. People who I affectionately called ''the masters of the universe,'' those who are out there plotting all this comprehensive immigration reform and putting it together, they are meeting. What will they produce? I don't know. So we are now going to have a cloture vote on Monday. The Democratic leader insisted on that. He moved it off at least until Monday to give this small group a few more days to discuss it, this small group who are on the inside. As a result, we will have a cloture vote on Monday on the old bill, last year's bill.

Presumably Tuesday or sometime, this new bill will be plopped down. What is going to be in it? We don't know. We were told we may get the language tomorrow or we are going to try to have the language for you tomorrow, Senators, so you can at least begin to read it. We think this year's bill is going to be a thousand pages. That is not a little bitty matter, a thousand pages. As a former Federal prosecutor for 15 years, I know that if you don't get every single aspect of the bill right, it can't be made enforceable. If you make errors in the language and the drafting and the appellate process and the enforcement ideas, the whole thing can be a joke and not effective. It takes time to do write a bill this size correctly.

We are going to have this comprehensive immigration reform bill bouncing back up next week. They are going to want to vote on it by Friday of next week. I submit that Senators will not be given enough time to really analyze it, much less the American people. If we are to avoid cynicism, we ought to make sure the American people are engaged in the process. Those are large concerns of mine.

As I said, they say we may have the language tomorrow. But the best we can ascertain is, it is probably not going to be bill language, language we would actually vote on and amend. This is serious. It is some sort of outline or word statement of what the bill provisions are going to be, not having had it written out so we can examine it carefully before we vote on it.

A group of Senators—I was one of them—has written a letter to the Republican leader and to the majority leader, I believe, to say that with an issue as important and complex as immigration reform, it is critical that the process for floor consideration be open to full and informed debate and amendment. Who could dispute that? It goes on to say:

> There are reports that the cloture vote on the motion to proceed will be held on Monday. We would ask you to seek the following assurances from Senator REID.

This would be the letter to Senator MCCONNELL asking him to approach the majority leader, Senator REID, and ask for these assurances: that a new, compromise proposal should be brought to the floor of the Senate as a separate, clean bill, not as an amendment to S. 1348, last year's bill. Therefore, we can proceed in a clean fashion to amend it and act on it in the appropriate fashion. No. 2, it was asked that full and

final bill text must be available online in a searchable format by midnight tonight. They have been talking about having that available in this fashion, but will we get it? I doubt it. All germane Republican amendments must be allowed to be called up and voted on. That is germane amendments, amendments that go right to the bill, not amendments unrelated to the bill. We need a CBO score, that is the Congressional Budget Office score. We had the CBO finally come through with a score on last year's bill that found that not counting the enforcement expenditures, the cost of that bill, as written, would be $127 billion. I thank my excellent staff member for her assistance. Real money, I submit, it would cost, because the people who would be legalized and given permanent status and put on the road to citizenship in last year's bill would have been available for huge amounts of money from the Government in terms of earned-income tax credit and other welfare programs. So we don't have a score on it.

Before we pass a bill, we should look at the CBO score. The CBO has made clear that the real surge in cost to the U.S. Treasury will be in the next 10 years, not in the first 10 years. In fact, the Heritage Foundation's Mr. Robert Rector, who was one of the architect of welfare reform a number of years ago, has done immense calculations on the cost of the bill. He estimates that a substantial percentage of the people who would be legalized under this legislation will have less than a high school education and that on average would cost the U.S. Treasury $30,000 a year or as much as $1 million over a lifetime per household headed by a person without a high school education. He carefully worked those numbers up. Are they accurate? I don't know. But he spent a lot of time working on that. The point Mr. Rector and the Heritage Foundation have made with crystal clarity is that those wise people in the big suites in Manhattan who think we are going to solve our financial difficulties with Medicare and Medicaid and Social Security by adding large amounts of low-skilled immigration are in a dream world because it is going to cost us, not help us, financially. He called it a fiscal disaster. We haven't even seen the language of the new comprehensive immigration reform bill, so we don't know what the CBO score and the cost to the U.S. taxpayers would be.

Those are some fairly minimal issues that I believe should be dealt with before we rush into legislation.

Let me mention a few quick questions that I have about the new bill. The bill purports to have an enforcement guarantee. That is important. The enforcement provisions contained in Title I and Title II of the new bill will be meaningless unless they are funded, meaning that we actually put the money up for enforcement, and unless the enforcement measures are required to be implemented before other parts of the bill kick in. That was the ''trigger'' debate we had last year.

Senator ISAKSON from Georgia offered a commonsensical approach that we should not give benefits to individuals until we are sure that the immigration system is not continuing to be broken and not working. It would simply require the borders to be secured before the new immigration programs are implemented. But it was rejected on the floor after debate last year 40 to 55 because the leaders who so-called put together that bill last year agreed they would vote against any amendments that had any significant impact on the legislation. So they all got together and voted against a commonsensical trigger. We need such a trigger in this year's legislation.

Without an enforcement trigger, we are unable to assure the American people that immigration reform in 2007 will be any different from 1986, when the promises of future enforcement, made in exchange for the amnesty given in 1986, never materialized.

That is what happened. In 1986, they said there were about 2 million people here illegally. We set up a system to grant them amnesty. We changed some laws to supposedly make the immigration system more lawful in the future. When amnesty was handed out, turned out to be 3 million people were here illegally. We had a big percentage of those who claimed amnesty, and who got it—got it on fraudulent claims—when they really were not entitled to it. That is the history of immigration reform in 1986—20 years ago. So we need to make sure, this time, when legislation passes, it will actually work. Isn't that what the American people want of us?

Another question we need to ask: How much will this bill increase legal immigration? Last year, the bill would have increased the number of green cards—that is, permanent resident status—the United States would issue over the next 20 years to 53 million. That would be 34 million more than the current 18.9 million scheduled to be issued under current law. That was last year's bill. It was just about three times the current rate of immigration.

Now, I have to tell you, Professor Borjas, at Harvard, has written a book, ''Heaven's Door.'' He is at the John F. Kennedy School of Government, himself a Cuban inmigrant as a young man. Professor Borjas has indicated he thinks that 500,000 per year would be the right number for America, economically and otherwise. That would be 10 million over 20 years, not 53 million over 20 years.

When it came out of committee, it was even worse. It would have increased the immigration levels by elevenfold—up to 217 million over 20 years. It actually could have gone that high under the bill as written. My staff—Cindy Hayden and her team—ran these numbers, and they were later confirmed by the Heritage Foundation. We had amendments that brought it down to 53 million.

So we do not know what the green card increases will be in the bill being talked about now. It is a critical question. So we need time to study that issue and make sure the numbers of people coming into our country are assimilatable, and also do not plummet the wages of American workers, particularly middle-class and lower middle-class workers.

I am telling you, the numbers indicate that low-skilled workers in the industries where there are large amounts of illegal immigration have not shown wage increases. In fact, in many instances, adjusted for inflation, wages have gone down. We had expert testimony on that. From 2000 to 2005, wages in categories of workers, where immigration is heavy, showed a net decrease in income.

So that only makes sense. If you bring in large amounts of low-skilled labor, you can expect the value of low-skilled labor in the United States to go down. I do not think the average American believes and expects that immigration reform will result in a large increase in immigration. I am pretty sure they think we are working on a comprehensive plan to create a legal system that works, and they probably expect immigration will be reduced, not tripled. So we have to look at that question.

Another question would be: Will the temporary program be temporary? Last year's bill contained a ''temporary'' worker program that was, in reality, a low-skilled permanent migration program for 200,000 workers, plus their families, annually. This is the bill that is on the floor today that we will vote cloture on next week. Workers and their families were given 3-year renewable visas. They could bring their families into the United States. They could be sponsored by their employer, the first year they are here, for a green card, to become permanent residents in the United States. They could continue to renew those temporary worker 3-year visas indefinitely, as long as they were working and did not have a felony conviction. So in last year's bill it was not a temporary worker program. It was a plan to bring in workers who were put on a virtual automatic path to permanent residence and citizenship.

What will this new bill contain? We hear different things. One is that it contains a 3-year visa, where workers are allowed to bring in their families—I am not sure we can look our voters in the eye back home and say we are going to sponsor such a program again this year.

Additionally, if we set aside 10,000 green cards a year for these new ''temporary'' workers to apply for—as I am hearing the bill may do—I am sure we cannot claim our intention is to create a temporary plan. So I am worried about that.

All I would say to my colleagues is, let's be sure we have enough time. There is no reason for us to have to

vote a week from this Friday on final passage of a 1,000-page bill that we have never even seen the language of yet. The only bill that is out there is last year's fatally flawed bill. Why can't we have this opportunity to review the new bill?

I have argued we should move dramatically in the way that Canada moved to create a merit-based system for immigration, based on skills and abilities, which countries such as Canada or the United States would deem helpful to their nation.

If we have 100 people who want to come to our country, and we cannot accept 100, we can only accept 50, why wouldn't we set up a system that asks them what skills and attributes they have that might be beneficial to our country—which would allow them to most flourish and benefit from the American experience? Why wouldn't we ask that and give preference to those who would come here?

I say to my colleague, to show the bankruptcy of any idea that we could have open borders, in the year 2000, we had 11 million people apply for 50,000 diversity lottery slots. We have an amazing situation, if you want to come to America, and you do not qualify in any number of ways, you can put your name in a pot, and each year we draw out 50,000 names. We had 11 million people in 1 year apply for those slots. So why wouldn't a merit-based system work?

Today, only 20 percent of the immigrants coming into the United States are admitted based on their skills. Canada went through a long period of discussion about this issue. They had a national discussion over some years, and the Parliament in Canada directed their government to establish a point-based system. Canada wanted that point-based system to ensure that 60 percent of the people who come into Canada come on a merit basis. Canada still takes those for humanitarian relief, Canada still takes other immigrants such as those with family connections, but in Canada that is much more limited than in the United States.

That was their plan. They are very happy with it. I have met with the person who actually runs that program. They are happy with what they did. They think it is something we should consider. They think we would be happy with it. We are hearing discussions that would be a part of this package. What a great step that would be if we would move in that direction. It is critical to me that more immigrants be selected on a point-based system as part of comprehensive immigration reform. It is something for which I have advocated for some time now and think we could actually get there. I am hearing some good feedback about it. But, once again, we need to read the language of the new bill.

I would point out a couple things. One, what I am hearing is the best they would expect to get to would be 40 percent of the immigrants would be coming into our country based on merit, not 60 percent like Canada. Australia also does that, with 60 percent of their immigrants coming into their country on a merit-based, on a point-based system.

I am concerned that we will end up with a system that will not be effective to move us to a more merit-based system, which would serve our long-term national interests and would ensure the people who do come to America come with every prospect and every ability to flourish in our country and to do well, and not only not be a drain on our medical system or our welfare system, but actually be prosperous taxpayers contributing to the health and vitality of our Nation.

I think I saw Senator BOXER in the Chamber a few moments ago. I will wrap up, if she is available, but I do not see her on the floor at this moment. I will share a couple more thoughts I do think are important.

Last year, we did not get a final CBO score until 3 months after the passage of the bill. The August 18th CBO score estimated the bill would cost $126.9 billion for the first 10 years, and that ''beyond 10 years, definitely the costs would escalate.''

That is a major factor in what we are doing, and we have not even, to my knowledge, asked for a score from CBO, and I do not think we can ask for a score. We cannot ask for a score because we do not have bill language to say what is going to happen. We do not even know what is in the bill that will be dropped on us.

Another issue that was quite contentious last year, and I believe is very important: Will illegal aliens who worked here under a fictitious name and fraudulent Social Security number be able to get Social Security benefits?

Last year's bill would have allowed current illegal aliens to get Social Security benefits for the time they worked illegally in the United States.

In addition to the predictable fraud on the Social Security system that would result from this provision—there would be no way you could identify with certainty who paid with what Social Security number if you are using false numbers—this concept is fundamentally unfair to the millions of Americans who rely on Social Security as their main form of retirement income.

Our Social Security system is already in peril—$6.8 trillion will already have to be invested by Congress today to have enough money to pay all of the program's promised benefits between 2017 and 2081. So it is not a program that is financially sound.

To provide millions an opportunity to make a claim to receive Social Security benefits when they were illegally in the country—utilizing a fraudulent Social Security number, illegally taking employment when they were not entitled to it, perhaps taking a job from an American worker—to be rewarded with Social Security benefits, I believe, is not required.

Basic law—having handled a number of cases that dealt with it—is that one cannot benefit or go to court to enforce an unlawful contract. If you are a drug dealer, you cannot sue another drug dealer to enforce a promise to pay for drugs. You should not be able to have a claim against the Government based on your fraudulent conduct and then go to court and file a lawsuit to enforce that claim. That is just a basic principle of law, so any bill that offers a compassionate solution for the illegal alien population should draw the line at allowing those who come to our country illegally, utilizing false Social Security numbers, to receive benefits because it is unjust. And, how could you ever calculate that?

I will mention one more thing and will wrap up. What about the earned-income tax credit? Will that be available to temporary workers or illegal aliens given status under the bill?

The earned-income tax credit is a benefit designed to assist low-income Americans. I do not believe it should be provided to foreign workers who we invite to perform labor in our economy, whose own choice was to come and work here.

The cost estimate released by CBO last August calculated that last year's bill would have increased outlays for refundable tax credits by $24.5 billion in the first 10 years because most of these workers are on wage scale rates that qualify for the earned-income tax credit. It would be the largest direct spending effect in the entire bill.

Now, the earned income tax credit was a plan conjured up by President Nixon a number of years ago and has some legitimate basis. Many people—conservatives—like it, and some don't. But it was designed to help working Americans make extra money so they could take care of their families. It costs us $40 billion a year. It is one of the biggest programs we have.

I see no reason in policy or equity that says if a person comes to America to work at a job at a certain wage rate and they would generally know what that wage rate is before they came, that they ought to be given an earned income tax credit, a credit designed to encourage American citizens to work. What kind of sense does that make? So we had a vote on that last year, and the vote was to continue to give this benefit, even to temporary workers.

These are some of the issues I think are important. We are going to treat compassionately the people who are here illegally, try to work something out that is acceptable to them on any reform; we are going to try to do the things that Americans want to do in terms of generous and fair treatment to everybody. But we don't need to go overboard and put things in the bill for political correctness or other reasons that don't make common sense, that threaten our Treasury, that could drive down the wages of American workers,

that could increase the flow of workers into our country to a degree that is much larger than we have seen in the past, and that would not move us effectively to a more merit-based system like our neighbors in Canada have adopted.

Those are some of my concerns. I value and appreciate the hard work of the people who are working to try to make a bill come together, but I want people to know that it is a scary thing. I think it was the Chinese who said, in defining crisis, it is a crossing of danger and opportunity. Yes, we do have an opportunity to produce a bill that could be far better than last year's bill—a bill we could all support, that could actually work, that we could be proud of. I actually think that is possible. This year's framework for a bill is certainly a lot better. I am excited about that. But I have to tell my colleagues from what we are hearing about the language that is actually going into the bill, we could have big print rubric letters that promise this and promise that, but when you read the fine print, it is not there.

We owe the American people an honest, hard study of any legislation we vote on. If that legislation is not produced until next week, even if we get an outline of some kind tomorrow, that is not enough time for us to study it.

I appreciate the opportunity to share these thoughts. I sincerely hope that a compromise can be reached, and I hope it is one that will serve the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, after many hours of work behind the scenes and with the help of some extraordinary staff which I will talk about later tonight, we have come to the point where we are going to get this important legislation, the WRDA bill, completed. We are at that point.

AMENDMENT NO. 1145

(Purpose: To modify certain provisions relating to water resources development projects)

Mr. President, I, along with Senator INHOFE, have a managers' amendment at the desk which has been cleared by all sides. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this package of amendments be printed in the RECORD as if read.

I further ask that upon adoption of this amendment, no further amendments be in order; that the substitute, as amended, be agreed to; the bill, as amended, be read a third time; that upon passage, the motion to reconsider be laid upon the table; and the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with a ratio of 6 to 5; and that the vote on passage occur at 5:15 p.m. today, notwithstanding rule XII, paragraph 4, with the above occurring without further intervening action or debate, with the time until 5:15 equally divided and controlled between the chair and the ranking member or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1145) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. BOXER. Mr. President, this is a wonderful moment for me as the chair of the Environment and Public Works Committee, and I have to say I wouldn't be at this point without the amazing work of my ranking member, Senator INHOFE. Everyone knows there are times when we don't see eye to eye on certain issues, mostly around the environment. We get that. But when it comes to making sure the infrastructure of this Nation is where it should be, there is really no daylight between us.

I think it is very important to note that both Senators LANDRIEU and VITTER were determined to show us their needs for Louisiana, and both Senator INHOFE and I are very pleased we were able to work with both of them. We know we haven't met every single need, but we have taken an enormous step in that direction.

I mentioned the staff earlier, and I want to mention their names—my staff director, Bettina Poirier, and my deputy staff director, Ken Kopocis, Jeff Rosato, and Tyler Rushforth. On Senator INHOFE's staff, I thank Andrew Wheeler, Ruth Van Mark, Angie Giancarlo, and Let Mon Lee. Additionally, I thank Jo-Ellen Darcy and Paul Wilkins with Senator BAUCUS and Mike Quiello with Senator ISAKSON.

This has been a bipartisan endeavor. This has not been easy. Some day, when I write my book on how a bill really becomes a law, I will let everyone know what it really takes to get a bill like this done, a bill that is 7 years in the making. We need to get it done. Senator INHOFE and I are going to get into that conference committee with our colleagues, and we are going to iron out the differences and hopefully be back here with the final product.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say I agree with the statement made by the chairman of the committee, Senator BOXER. She is right, we have had differences in the past. But I can say this: Working on infrastructure, whether it is the Transportation reauthorization bill or the WRDA bill, we work things out. I think we do it the responsible way. We have criteria. We make sure every project out there has a report and meets the criteria. Sometimes it doesn't end up that way in conference. We are going to do our very best to have a bill as close to what we have now, when we get to conference, when we get out of conference.

Let's keep in mind, it has been 7 years since we have had one of these. While some of the numbers look high to people, if we were to discipline ourselves, which we should—and I think we will work toward that end from now on and have these every 2 years—then that will be a much better way to get things done.

I guess we are into our time, now, aren't we?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I would like to yield whatever time the Senator from Louisiana would like to use. I have to say he has been very cooperative. I know he has gotten the most he could for Louisiana, and that is our job when we come down here. But he has been very cooperative in working things out, and I thank him so much for his cooperation.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I ask the Chair to tell me when 3½ minutes elapses, and I will wrap up very quickly thereafter to use a maximum of 4 minutes.

Mr. President, I rise in strong support of this WRDA bill and in strong support of the managers' amendment which is now finalizing the Senate version of the bill.

Hurricanes Katrina and Rita were devastating events on Louisiana. Even before those devastating events, any WRDA bill would be enormously important to us because we live with water resources all around us because of our coast, which is a vibrant, working coast. But because of the hurricanes, this WRDA bill is even that much more vital in terms of our security and our future. Passing this WRDA bill through the Senate and hopefully soon on to the President's desk is an enormous step in our recovery.

I wish to thank everyone who has been so helpful in that step, starting with our chair, Senator BOXER, and our ranking member, Senator INHOFE. They have been enormously cooperative and enormously helpful. Also, Senators Isakson and Baucus, the chairman and ranking member of the subcommittee, have been very helpful. Our great staff have also been enormously helpful in this process.

Through this bill, we have been able to meet a number of urgent needs of Louisiana following the hurricanes. Corps reform is done the right way in this bill, particularly for Louisiana,

through language which I drafted for a Louisiana Water Resources Council. It will serve as the exclusive peer-review entity for all four projects in the Louisiana hurricane disaster area, and that is a very positive, proactive version of Corps reform for Louisiana projects in this bill.

The Louisiana coastal area project, our forward-looking coastal restoration program, is fully authorized in this bill. We lose a football field of land every 38 minutes in Louisiana, and in the horrible days after the two hurricanes, we lost 217 square miles of wetlands. Addressing that is authorized in this bill, and many other things, such as repairing our levees to a true 100-year level of flood protection, fixing the outfall canals in New Orleans, replacing the flawed I-walls with T-walls, preventing future flooding on the Inner Harbor Navigation Canal, the closure and restoration of the Mississippi River Gulf Outlet, and authorizing the very important Morganza to the Gulf Hurricane Protection Project. These are all enormously important. That was largely done in committee.

Here on the floor, I proposed a number of amendments. I worked with my colleague from Louisiana and others, and we adopted a number of other important amendments about MRGO to make sure it is closed once and for all; clarifying that 100-year standard; eliminating obstacles to the renovation of the Industrial Canal Lock; providing credit to Lafourche Parish for work on their hurricane protection projects; authorizing the first and second phase of coastal restoration; and creating a real integration team for Corps reform.

Last, but not least, we just agreed on a crucial amendment to have an expedited process to consider the next generation of projects to provide our area true category 5 protection. That is absolutely crucial. That has been a top priority of mine, and I just finalized that negotiation here off the Senate floor. So I am very excited, because it is hot off the press, to announce we will have that expedited process to make sure the next generation of protection gets expedited consideration by the Corps and by the Congress.

So thanks to all of the leaders who have been so helpful in this process.

With that, I yield the floor.

Mr. LEVIN. Mr. President, I come to the floor today because there is a very serious situation facing Great Lakes shipping. In Michigan, and throughout the Great Lakes, there is a significant dredging backlog. The corps estimates a backlog of 16 million cubic yards at commercial harbors, which has had very real impacts to Michigan shipping. Several freighters have gotten stuck in Great Lakes channels; ships have had to carry reduced loads, and many shipments have simply ceased altogether. This problem stems in part from the way the corps' budget is prepared using performance metrics such as cargo value, tonnage, and ship miles. Beginning in fiscal year 2005, the Office of Management and Budget and the Army corps began implementing new budget guidelines and criteria for funding the operation and maintenance of commercial harbors that relied primarily on the amount of tonnage a harbor handles. Although I do not object to using performance metrics, I am concerned that the metrics currently used do not adequately account for the situation at smaller harbors, many with economies that revolve around the harbor. I filed an amendment yesterday that would help address this very serious situation. The amendment, which is cosponsored by Senators VOINOVICH and STABENOW, would direct the corps to use all available data relating to economic impacts, and to not solely use the tonnage handled by a harbor.

Mr. VOINOVICH. Mr. President, I join the senior Senator from Michigan in sponsoring this amendment because the Great Lakes shipping infrastructure is in peril. Commercial freighters working in the Great Lakes cannot carry full loads, making for very inefficient water transport, and leading to very real economic consequences, not only for the Great Lakes region, but also for the Nation. The Great Lakes are the waterways that carry the steel for our cars, the coal for our electricity, and the limestone for the construction industry. Light-loading vessels increases the prices of these goods and in turn the goods produced from them. It has been reported that in Toledo, what was once a 150-meter-wide channel is now a 30-meter channel. We need to correct the way the corps budgets for these Great Lakes harbors—the backbone of our Nation's manufacturing economy—so they are not faced with the very real possibility of having to shut down altogether. This amendment would require the corps to use all available economic data in making its budget decisions, something that I think all of us should support.

Mrs. BOXER. I agree with the Senators from Michigan and Ohio that the corps needs to address this dredging backlog. I also agree that the corps should make their budget decisions using all economic data available and not based only on an arbitrary tonnage limit. While the bill managers were not able to reach an agreement on an amendment, I will work with the Senators to ensure that Great Lakes dredging issues are addressed when the bill is in conference.

Mr. INHOFE. As I have said before, we have an infrastructure crisis in this country. If we do not provide for adequate water transportation infrastructure, we will force even more traffic to our already-clogged highways. I believe we need to provide proper maintenance of our entire system, including the Great Lakes, not just switch focus from one component to another as they begin to fail.

Mr. LEVIN. I thank my colleagues for their recognition of the dredging crisis in the Great Lakes. I also thank Senators BOXER and INHOFE for their support of another amendment that I filed to this bill, which is cosponsored by Senators VOINOVICH and STABENOW, that would direct the Army corps to expedite the operation and maintenance of the Great Lakes navigation system. Although that amendment would be helpful to the overall Great Lakes commercial shipping infrastructure, I remain concerned that the corps is using budgeting criteria that simply do not reflect the reality of the Great Lakes shipping system. The Great Lakes should not be compared with ports on our coasts. Tonnage alone should not be the criteria for making budget allocation decisions. We should not have to fight for our smaller ports and harbors each and every year. These ports and harbors are of commercial importance with large economic impacts. The corps' use of an arbitrary 1 million ton cut-off for prioritizing projects is simply unfair. There are about 300 harbors in the Great Lakes that handle less than 1 million tons of cargo per year. Two-thirds of all shipping in the United States either starts or finishes at small harbors. About half of the Great Lakes corps-authorized harbors are classified as small ports. The amount of cargo handled should not be the sole factor in determining priority for funding. A small harbor may in fact have a much greater economic impact on a community than a larger harbor does. For example, Manistee Harbor on Lake Michigan is classified as a smaller harbor by the corps. It handles less than 1 million tons of cargo annually; it handles 940,000 tons. Yet, multiple companies rely on this harbor, including Morton Salt, and there are 600 jobs that rely on the freighter traffic at Manistee. For a city with a population of about 6,500 people, this translates into about 10 percent of the population that is economically dependent on this harbor. And yet the corps would classify this as a lower priority project because it handles less than 1 million tons annually. Is that what you understand the Army corps is doing?

Mr. VOINOVICH. Yes, that is correct. That is what they are doing. A harbor handling less than 1 million tons, even if it has a large economic impact on the community, would have a lower budget priority specified by the corps because it only handles 940,000 tons. The amendment that we have filed would help address this inequity by requiring the corps to use all data regarding economic impacts and not just tonnage.

Mr. LEVIN. We have a problem that urgently needs to be addressed. The corps is using a budgeting system that does not reflect the reality of the Great Lakes shipping infrastructure. I receive reports on a regular basis of how this dredging crisis is threatening our economy: The Wirt Stone Dock in Buena Vista Township, MI, reported a reduction of 25 percent in shipped tonnage. Tugboats have been needed to

turn boats around because channels have not been dredged, at a cost of $15,000 to $20,000 each week. After one freighter ran aground at Saginaw, MI, last year, the ship's rudder was torn off, and never found.

Mrs. BOXER. I agree that we have a problem here, and I will work with you in conference to address this situation.

Mr. INHOFE. I agree that the corps needs to make sure that its funding allocations take into consideration small harbors with large economic impacts. The corps should not develop a budget that is unfairly biased against rural communities, and which will have a detrimental effect on small-town, rural America, causing job losses, and increased hardship for businesses. We must work to protect our Nation's shipping infrastructure.

Mr. DURBIN. Mr. President, I am pleased that the Building and Construction Trades Department of the AFL–CIO has added its name to the long list of supporters of this important legislation. I ask unanimous consent that their letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 14, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the twelve international unions of the Building and Construction Trades Department, I respectfully urge you to vote in favor of S. 1248, the Water Resources Development Act of 2007 (WRDA).

After seven long years it is time to end the impasse over the passage of a WRDA bill because our nation cannot afford further delay of this desperately needed legislation. Because of the limited opportunities, in an extremely crowded Senate agenda, the time to act is now.

We believe the enactment of a robust WRDA bill will enhance the environment, help grow our economy and help ease our Nation's growing congestion problem. Additionally, this bill has tremendous jobs creation potential that will create or sustain thousands of good paying American construction jobs. Studies have proven that for every $1 billion expended on water resources development activities, approximately 40,000 direct and indirect jobs are created.

The Water Resources Development Act of 2007 will finally restore the regular process of meeting the nation's water resource needs as they arise. So, we urge you to vote YES for final passage of S. 1248 and we ask Congress to swiftly conference and enact this legislation so that our nation's acute and unmet water infrastructure needs are addressed as soon as possible.

Thank you for your consideration.

Sincerely,

EDWARD C. SULLIVAN,
President.

Mr. CARPER. Mr. President, I rise today to offer my support for the Water Resources Development Act. The Environment and Public Works Committee, on which I serve, has been trying—without success—to pass a WRDA reauthorization since I began service in the U.S. Senate in the 107th Congress. But I think this year will be the year.

This bill includes several provisions that are very important to Delaware. First, this bill preserves the St. Georges Bridge over the Chesapeake and Delaware, or C&D, Canal. This 14-mile long canal owned and maintained by the Army Corps of Engineers, divides Delaware in half, disrupting the flow of people and commerce in my state in order to provide a shortcut for ship traffic to the Port of Baltimore.

In return for this imposition to Delaware, the Corps is obligated under Federal law to provide sufficient access across that canal. Yet in recent years, in spite of population growth that has stretched the capacity of the current bridges, the Corps has sought to reduce the number of bridges over the C&D Canal.

Thanks to support from chairman and ranking member of the EPW committee, this will not happen.

A second important provision in this bill is a late entry, but needs to be addressed immediately. Two scour holes have developed in the Indian River Inlet and Bay. One is an 80-foot hole that has developed within 100 feet of a bulkhead at the U.S. Coast Guard facility. The second is a 30-foot hole that has formed along a stone revetment that is currently protecting several structures recently constructed by the State of Delaware. I express my deep thanks to the committee for recognizing the immediacy of this request and making sure it is addressed in this bill.

There are other important provisions in this bill. Last year, I was pleased to support vital Corps reform measures that require independent peer review of projects, that improve mitigation practices, and that update the outdated principles and guidelines of the Corps. These reforms will result in stronger, more cost-effective projects that better support our economy and better protect our people.

I am very happy to say that these same provisions are included—word for word—in the measure we are considering today. Again, I thank our chairman and ranking member for retaining these important provisions.

After the lessons we learned in New Orleans, we need to be vigilant. We must continually reevaluate this program and look for the best way to better insure the Corps is designing their projects with long term needs of communities in mind. This is why I cosponsored Senators FEINGOLD and KERRY's amendment to require the Corps to take into account the impacts of global warming on water resources projects.

Shifting gears, let me note that addressing global climate change is a major priority that drives much of the work I do. Legislation to set emissions reductions may be a little ways off. But in the meantime, we should be taking steps to ensure that the people and communities who depend on Corps projects can rest assured that those projects are built to withstand the stresses they are likely to face.

There is reason to believe that global climate change may lead to more frequent or intense severe weather events. Coastal communities and habitats, especially along the gulf and Atlantic coasts, likely will be stressed by increasing sea level and more intense storms. I think of my State of Delaware, much of which sits on the Atlantic coast. Delaware is on the front lines. We need to take the threat of global warming seriously and prepare ourselves accordingly.

Frankly, it doesn't matter whether you believe global warming is a man-made problem or that we are in a natural warming cycle. The evidence is overwhelming that our planet is getting warmer. Climate change will put added pressures on demands for water resources across the country. For example, diminished snow pack, earlier arrival of spring, tendency for more precipitation to fall as rain rather than snow, and increased evaporation will affect seasonal availability of water in much of the West. Our water resource projects should be built with that in mind to make sure that we are building the best possible projects to protect our constituents and ensure our nation's continued economic prosperity. This is absolutely as we prepare to face headon what is likely to be the greatest challenge of our generation.

Another important amendment that I have cosponsored will set priorities to address the Corps' backlog of projects. Considering recent appropriations for water resources projects—about $2 billion a year—it would take over 35 years just to finish the projects on the books.

Since Hurricane Katrina ravaged the gulf coast in 2005, we better understand that the system by which we fund water resource projects is broken.

In Delaware, due to limited funds and the large number of requests, we have found it a challenge to get important beach replenishment projects funded, even as homes and infrastructure were threatened.

Many in this Chamber will recall that we voted on a prioritization amendment last Congress when we considered WRDA. That amendment failed by a large margin. In fact, I voted against the amendment at that time. But our colleagues from Wisconsin and my friend from Arizona heard our concerns and went back to the drawing board.

Last year's amendment would have tasked an interagency committee with prioritizing the $58 billion backlog. Some people, including myself, felt this was taking power from the legislative branch and giving it to the executive branch. I also feared that projects in a small state like Delaware might not get due consideration.

This year, Senators FEINGOLD and MCCAIN redrafted the amendment to address a number of the concerns raised in the debate last year.

The amendment before us today would establish a Water Resources Commission. This Commission would have one shot at prioritizing many of the projects in the backlog. The Commission's work would provide a guide to Congress to ensure we are spending our limited funding on the most urgent and meritorious projects. Nothing in this amendment binds Congress. It is purely informational.

Further, this amendment specifically requires the commission to find a balance between the water resource needs of all States, regardless of size.

In closing, let me add that I am delighted that we have taken up this important legislation so early in this Congress. Again, I commend our leaders on the Environment and Public Works Committee for putting such a high priority on moving this bill. I urge my colleagues to support WRDA's passage.

I also urge my colleagues to support the global climate change and prioritization amendments. These amendments will strengthen the Army Corps and improve our constituents' faith in the projects the Corps builds.

Mr. DOMENICI. Mr. President, I believe that the passage of this bill is long overdue, and I commend Senator BOXER and Senator INHOFE for their efforts to pass this bill.

There are numerous projects in this bill that are important to each State. I would like to take a few moments and highlight what this bill means to New Mexico and our environment.

To begin with, I would like to point out that the projects in this that are related to New Mexico were included, at my request, in the WRDA bill we passed in 2006. So the content in this bill should not be a surprise to any of us and I hope that we can get this bill passed quickly.

One of the most critical projects contained in this year's WRDA bill involves New Mexico's Bosque. I have long envisioned the rehabilitation and restoration of the Bosque. In fact, I have introduced legislation in this Congress that would do just that. However, this bill will allow us to implement this vision that concerns this long neglected treasure of the Southwest.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public. I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river.

Another project that is of great importance to New Mexico is the Southwest Valley Flood Control Project. New Mexico is a desert state prone to flash flooding during our monsoon season. In order to protect our cities we must take proactive steps to ensure that communities are prepared in the event of flooding. The Southwest Valley is one such area that is subject to flooding from rainfall runoff. Due to unfavorable topography, flood waters pond in low lying developed areas and cannot drain by gravity flow to the Rio Grande River. This project resolves this problem and calls for the construction of detention basins and a pumping station in Albuquerque for flood control in the Southwest Valley.

This legislation also has a significant impact on our environment. The Rio Grande Environmental Management Program authorizes the Corps to address environmental restoration and management on the Rio Grande and its tributaries through planning, design and construction of habitat rehabilitation and enhancement projects and a long term river data acquisition and management program. This simple provision establishes a continuing authority for addressing environmental restoration and management on the Rio Grande and its tributaries within the state of New Mexico. This project consists of two main components. The first component consists of planning, design and construction of small habitat rehabilitation and enhancement projects and the second component calls for a long-term river data acquisition and management program. The impacts that this project will have on New Mexico will be tremendous.

Another program outlined in this year's WRDA bill provides authority to the Corps to study, adopt, and construct emergency streambank and shoreline protection works for protection of public highways and bridges, and other public works, and nonprofit public services such as churches, hospitals, and schools. This program provides authority for the Corps to carry out ecosystem restoration and protection projects if the project will improve environmental quality, is in the public interest, and is cost effective. This is a worthy initiative that will benefit the environment throughout the United States.

I urge my fellow Senators to help further enhance and protect our environment through passage of this legislation. I believe that each State will benefit once they receive these long overdue project authorizations.

Mr. INHOFE. Mr. President, we are operating under 20 minutes equally divided, although there is more time than that before the vote. I ask unanimous consent that we be able to continue our remarks up to the time of the vote at 5:15 p.m.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, I don't see Senator BAUCUS here. He is the chairman of the subcommittee. He did a great job on this. We worked closely together. They called us the big four, the chairman and ranking member and the chairman and the ranking member of the subcommittee. We all worked tirelessly on this. We are all pleased with the product we have.

Mrs. BOXER. How much time is left on my side, Mr. President?

The PRESIDING OFFICER. There is 9 minutes 17 seconds, and there is 4 minutes 21 seconds on the other side.

Mrs. BOXER. Mr. President, I would love to hear from Senator ISAKSON because he has been a champion in assisting us and working on this. We are fortunate to have him as ranking member on the subcommittee.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the chairman. About an hour and a half ago, we negotiated our final agreement to make this deal possible. Chairman BOXER and Senator INHOFE have been indispensable in making this a reality.

This bill, as I said last week when the bill came to the floor, is not a spending bill, it is an investment bill. As Senator VITTER recited, regarding Louisiana, it is a meaningful response to the tragedy that took place with Hurricanes Katrina and Rita. Across the country, projects that have needed to be done, or need to be focused on, are being authorized. We are finally doing

what, for 7 consecutive years, Congress failed to do.

This is a very important piece of legislation that has been handled in a bipartisan fashion. The chairman has been exceedingly fair to everyone. The ranking member has worked diligently, and Senator BAUCUS, myself and the ranking member and the chairman have stuck to the deals we made, which, in this body, is the most important thing of all. I acknowledge both of them and offer my appreciation.

On behalf of the citizens of Georgia, I thank the Corps of Engineers for what they do for our State and particularly the language in the bill that recognizes the possible bi-State port that will be built in South Carolina, and the multi-regional WRDA language for the metropolitan Atlanta-North Georgia Planning District, which is essential.

VOTE EXPLANATION

Yesterday morning, I was absent for vote No. 163 on amendment No. 1090. For the record, I was having a root canal, which is a bad way to miss a vote. I ask unanimous consent to let the record reflect that had I been here, I would have voted no, in accordance with my agreement with the chairman and the ranking member.

Mr. INHOFE. Mr. President, let me make one comment. Something the Senator from Georgia said is very important. This is not a spending bill, this is an authorization bill. If we didn't have this bill in the process, then the appropriators, when the bill would come up, would have all kinds of projects that did not go through a process, where we would know if there is local support and so forth. So the conservative position is to authorize these things and, if there is something somebody doesn't like, go after it when the appropriations come.

We have a good bill. I thank the chairman for working with us. I know the Senator from Louisiana wants to be heard, also.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 9 minutes 2 seconds. The other side is 1 minute 4 seconds.

Mrs. BOXER. I yield 8 minutes to my colleague from Louisiana. She has been such a fighter for her State in all this. There isn't a day that has gone by since the very day of the disaster that struck when she hasn't come up and told me: Senator, you need to come and see and you need to help. I am so fortunate I am in a position to help, along with Senator INHOFE. This is a bill that is so important for her State.

I thank MARY LANDRIEU for all the contributions she has made. I yield to her 8 of the 9 minutes I have left.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, Senator BOXER is true to her word as a leader of this committee. She came down to Louisiana, along with 4 or 5 members of her committee, about 2 months ago at my request, to not only put her feet on the ground but also to get up in the air in a helicopter, if you will, to see the great wetlands and the outline and contours of the levees that protect not only the city of New Orleans but the parishes of Jefferson, St. Bernard, and Plaquemines, and to fly as far as we could to the western part of the State and see the entire southern part of our State, which, in large measure, depends on what this bill does, when it passes and what is in it because, as I have said many times, if we were talking about a desert bill, we would not be here. But we are talking about a WRDA bill.

It may be inconvenient to other States when this bill doesn't pass, but when WRDA doesn't pass for Louisiana, it is life and death. These projects authorize critical protection from Morganza to the gulf, which the President not too long ago threatened to veto. That is in this bill, and I don't believe this bill will be vetoed, but Morganza to the gulf is in there because of the work of this committee. They know that that project is critical to a large part of southeast Louisiana. We also have in this bill, at the request of myself and Senator VITTER, the closing of MRGO, the Mississippi River Gulf Outlet, which has been part of the problem of the storm surge coming into St. Bernard to New Orleans east and parts of Orleans Parish. That is going to be closed because of the Senator's commitment and the recognition of the terrible environmental damage that has been caused to our region. In addition, there are many other projects. We do more than haul cargo and move cargo back and forth throughout our country, but we move it around the world. We also, as you know, produce a great deal of energy both on shore and offshore, and our energy ports contribute. The dredging, the channelization, the building of levees, closure of MRGO, and the expedited process for hurricane 5 levee protection, at my request, is in this bill.

So I appreciate the work of the chairman and the ranking member. Most importantly, 7 years have passed since a WRDA bill came this close to passage. I believe, under Senator BOXER's leadership, with Senator INHOFE's help, and our colleagues on the House side, that we can pass a WRDA bill. For Louisiana, it is the largest number of projects we have ever had. Senator VITTER, my colleague, serves on the committee and deserves a great deal of credit for this work. Before Senator VITTER got to the Senate, our office and Senator Breaux's office worked to help develop a lot of the foundations of this bill. It has been going on, as you know, for some time. It is a team effort, and it is a victory for Louisiana. There are things we need to improve as we go along, and we will continue to work on that. This project to secure south Louisiana is a decades' long project. It is stated that the total cost could be from $30 billion to $60 billion. Obviously, we are not going to get that money in this bill. But the authorizations that are in this bill for Louisiana coastal restoration and for individual projects are going to go a long way to lay the foundation, and with the passage of the Domenici-Landrieu Gulf of Mexico Energy Security Act last year, which this Congress passed by an overwhelming vote, Louisiana has now an independent source of revenue to direct to these projects.

So again, I thank the chair and the ranking member and commend my colleague who serves on this committee for his excellent work. I am happy I was able to contribute as well to the amendments both on the floor, to the building of this bill over 7 years, and to its ultimate passage. There are other things we would have liked to have gotten done. We will continue to work on that through the conference committee.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 17 seconds.

Mrs. BOXER. All right, in 3 minutes 17 seconds, I want to say again how happy I am. I am smiling from ear to ear because this has been an amazing road. I think it is important to note that when we started out, we had a little surprise from the CBO that both Senator INHOFE and I were surprised about—that our last bill had some open-ended language that we didn't realize. We had to make this fiscally responsible. We did.

Senator INHOFE is a man of his word. He said these are criteria I want. We have to make sure these projects have studies; that the local people want them and there will be a local match; that they stand up to the light of day. I agreed with him. Once we were able to agree on those criteria, the rest became easy because we had to tell people no, but we did it not on a whim but on a set of criteria that we agreed to.

Our staffs have come to know each other very well while working on this. So between the staff and colleagues coming and telling us what they needed, I think we have a bill that meets everybody's needs.

In closing, I thank Senator LANDRIEU for her comments because I think, as we look at this bill, clearly—and there is a lot of talk about priorities—we get our priorities straight. There are amendments we defeated that said we don't like the priorities. This bill looks at Louisiana and says you are our priority. That is important. We did it.

I wish to thank the groups and organizations outside the Chamber that helped us by writing letters of support and encouraging our colleagues to work with us: The American Society of Civil Engineers; the Audubon Society; the Building and Construction Trades; National Waterways Conference; the National Association of Manufacturers; the American Farm Bureau; the National Construction Alliance, made up

of the labor union; the National Union of Operating Engineers and Carpenters and Joiners; the Associated General Contractors of America.

It is rare that you have a bill that garners the support of so many from across this great country of ours. But it is about making sure that the WRDA infrastructure in this country is up to the task it faces. We have to be ready for whatever hits us by way of floods, hurricanes, disasters. We have to be ready for ecosystem restoration and all the rest. I left out the corn growers, who supported us also, and they sent us a letter. So from the corn growers to the carpenters, this is a bill everybody wants.

I hope my colleagues will come over, and I hope we get a huge vote in favor of this bill and we can go into conference, where we will have six Democrats and five Republicans, and we will sit down with our counterparts and bring a product back that everybody can be pleased with.

I think we are about ready for the vote; is that correct?

The PRESIDING OFFICER. The time of the majority has expired. The minority has 1 minute 4 seconds.

Mr. INHOFE. With 1 minute left, I think it is very important. There are a lot of people who didn't get everything they wanted. Every time we pass an authorization bill, whether it is transportation or a WRDA bill, if you don't have a lot of people upset, then you didn't do a very good job. We had to shave a lot of places. This sets us up, and this offers us discipline for the appropriation process when it comes along.

I say to my good conservative friends, this is the best way to do it, so we know when appropriation bills come up, certain things have been done. This is a major accomplishment. We were able to pass this before, last year. We are hoping now we are going to conference, and we can come back with something we can all support. I believe we will.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The substitute amendment (No. 1065), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—91

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Allard	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Tester
Coleman	Leahy	Thomas
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCaskill	Wyden
Domenici	McConnell	
Dorgan	Menendez	

NAYS—4

Coburn	Gregg
DeMint	Sununu

NOT VOTING—5

Biden	Johnson	Obama
Dole	McCain	

The bill (H.R. 1495), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees with a ratio of 6 to 5.

Mrs. BOXER. Mr. President, I just want to say to all of my colleagues that this was a wonderful vote tonight, and I think the country will be very grateful because it has been 7 years since we have had a Water Resources Development Act. We desperately need to keep up the country's infrastructure with our needs, and this bill is a wonderful step in that direction. We are all set to go to conference with the House. I have already had some conversations with Congressman OBERSTAR. We are looking forward to getting this back and moving forward.

Again, to the staffs on both sides, thank you so much. To colleagues on the committee, thank you very much. To, of course, the ranking member, Senator INHOFE, I want to say again that without his partnership we never could have come to this point. I think every State in the Union will be grateful because we worked together across party lines to achieve something that is 7 years in the making, something that we really needed—this water resources bill.

Ms. STABENOW. Mr. President, would my distinguished colleague yield?

Mr. President, I would like to say thank you to the distinguished chair of the Environment and Public Works Committee for all her hard work. Nobody cares more about water resources than the Great Lakes States. I don't know, we may have a rival in California, but certainly the Great Lakes States. We are very grateful for the ability to work with the Senator to do some very positive things and to have such a strong vote on a bipartisan basis, and we appreciate her leadership.

Mrs. BOXER. I thank my colleague very much.

Mr. REID. Mr. President, if there were ever a Senatorial odd couple, it is Boxer-Inhofe. But this odd couple has done some tremendous work legislatively. This bill is long in the making. They have worked extremely hard, through some very difficult negotiations.

I am sorry Mr. INHOFE is not here, but it is a wonderful piece of work, and they both should be very proud of their accomplishments. We are going to get this bill to conference as quickly as we can, and I am confident they will be able to work this out very quickly. This is a remarkably good piece of legislation. The public should know even odd couples in the Senate can do great things.

Mrs. BOXER. Mr. President, I thank my colleague. I do wish to say, as I mentioned before, not only did the principals work well together, but the staffs did as well. I got to know the staff on the other side of the aisle. I really have enjoyed working with them. They are very fair. They represent their boss very well.

One thing about the staff across the aisle here is they have respect for each other. They tell each other the way they feel. It is the only way to work around here. You are only as good as your word. We had some tough moments here.

I also wish to thank the floor staff. I don't want to start naming names, but the floor staff on both sides were so helpful, because for me, this is my first major bill I ever managed, so clearly I needed a little direction. I am very fortunate to have all of this support from both sides of the aisle. I will mention Lula and Dave just because I happen to see them in front of me.

Mr. LEVIN. Mr. President, I am pleased that the Senate has passed the Water Resources Development Act, WRDA, of 2007, which authorizes important water projects for Michigan, the Great Lakes region, and the Nation. After waiting nearly 7 years since the last WRDA bill was passed, I am hopeful that this bill can make its way

through conference and be signed into law by the President.

I am pleased that the Senate Environment and Public Works Committee included several of my requests in the bill and accepted one of my amendments. However, I want to emphasize that this is an authorization bill. The appropriations that are needed to make these authorized projects a reality lie down the road, and have not yet been secured. The next critical step in realizing these projects is to work to secure funding for these projects, which I intend to do.

Included in the WRDA bill is a provision that I filed as an amendment to the bill, which could help address a very serious problem facing the Great Lakes shipping infrastructure. Every year, hundreds of millions of tons of goods are transported through the Great Lakes waterways, and communities throughout the Great Lakes are economically tied to waterborne commerce. Unfortunately, however, the Great Lakes shipping infrastructure is threatened by a significant dredging backlog that has been exacerbated by historically low water levels. The Army Corps of Engineers estimates a backlog of 16 million cubic yards at commercial harbors, which has had very real impacts to Michigan shipping. Several freighters have gotten stuck in Great Lakes channels; ships have had to carry reduced loads, and many shipments have simply ceased altogether. The WRDA bill works to correct this situation by directing the Secretary of the Army to expedite the operation and maintenance, including dredging, of navigation projects in the Great Lakes.

Dredging to the needed depths is critical. According to the Great Lakes Maritime Task Force, a large freighter loses the carrying capacity of 8,000 tons of cargo for each 1-inch reduction in the load draft. A capacity of 8,000 tons can carry enough steel to produce 6,000 automobiles, enough coal to provide 3 hours of electricity for greater Detroit, or enough limestone to build 24 homes. That means that every dollar that can go towards maintaining harbors and navigation channels truly matters.

Although the navigation provision in the bill could be helpful to the overall Great Lakes shipping infrastructure, I remain concerned that the way the Corps of Engineers budgets for dredging projects is unfair to Great Lakes navigation projects, especially smaller harbors. Beginning in fiscal year 2005, the Office of Management and Budget and the Army Corps began implementing new budget guidelines and criteria for funding the Operation and Maintenance of commercial harbors that relied primarily on the amount of tonnage a harbor handles. I raised the Great Lakes dredging situation with the bill managers, and they have agreed to work with me to address this problem in the conference committee.

The bill also includes a provision that I have been working on for many years: the improvement of Michigan's water and sewage infrastructure. The bill includes $35 million for a statewide environmental infrastructure project to correct combined sewer overflows, which is a major source of pollution in the Great Lakes and other waterbodies in Michigan. Combined sewer overflows carry both stormwater and sewage, and these can be discharged into streams, rivers, and lakes during periods of heavy rains. The $35 million provision in WRDA authorizes the Army Corps to partner with communities throughout Michigan to improve their sewer infrastructure. These improvements would not only benefit communities, but would also help protect our precious water resources.

I am also pleased that the bill also authorizes a number of specific projects in Michigan. Of importance, the bill authorizes $20 million for the environmental restoration of Lake St. Clair. In 2005, the Corps completed a report outlining the steps needed in order to restore Lake St. Clair. This bill authorizes the Corps to implement the 2005 recommendations. The plan was drafted through a collaborative process by the stakeholders in the community, which will promote efficiencies and save Federal funds.

Section 1005 of the bill, which authorizes small projects for navigation, includes six important projects for Michigan. First, the Corps is authorized to reconstruct the harbor at Northwestern Michigan College in Traverse City, MI. The renovated harbor would support the operations of the Great Lakes Maritime Academy, our Nation's only freshwater State maritime academy, and vessels associated with the program, including the federally owned and operated *T/S State of Michigan*. The project would include dredging, construction of an eastern arm, reconstruction of the inner harbor area, and general site improvements. Second, section 1005 authorizes the Corps to dredge the outer channel and inner harbor of Menominee Harbor. Low lake levels, which have been prevalent in recent years, and present channel depth are threatening shipping vessels' ability to make deliveries and load at the commercial and industrial sites on the inner channel. This authorization will help support commercial navigation by authorizing dredging and other navigation-related projects to accommodate access to warehousing and commercial operations, which have loading docks on the inner river channel. The additional depth would benefit deep-draft commercial vessel traffic, which has increased over the years and is expected to continue to increase. Third, section 1005 authorizes the Corps to extend and deepen the Ontonagon Channel. The channel extension at Ontonagon Harbor is necessary to allow for better access to Ontonagon's port facilities. Currently, there is only one vessel that can handle the required volume of material for Ontonagon's industrial community that will enter the harbor. Other ships have to back into the harbor to reach the dock and are unwilling to do so because of the prevailing currents at the mouth of the harbor. This authorization can help protect the vital shipping infrastructure in Ontonagon. Fourth, section 1005 authorizes the Corps to make repairs and improvements to the Sebewaing River. The north bank of the Sebewaing River has deteriorated over the years, which is resulting in excessive sedimentation being washed into the river channel from the Saginaw Bay. This project would authorize the repairs, which would result in less frequent dredging being needed. Fifth, this section authorizes the Corps to dredge the Au Sable River in the vicinity of Oscoda. This dredging is crucial so that boaters have access to local marinas, restaurants, and other businesses. Without this dredging, boaters could be prevented from accessing the river, which would be devastating for the tourism economy. Lastly, this section authorizes the Clinton River project, a navigation project that would decrease the amount of the time it would take boaters to get to Lake St. Clair.

Section 1006 authorizes a project that would improve the water quality and natural habitat of the Clinton River. The project would also examine a means to ''daylight'' the Clinton River under the city of Pontiac. In past years, the river was enclosed in a series of conduits under the city. By restoring the surface flow through the city, the river ecology can be restored, and economic development on the resulting waterfront be promoted.

Section 2037 authorizes the Corps to repair and rehabilitate the Hamilton Dam, located in the Flint River on the campus of the University of Michigan-Flint. Built in 1920, the dam is rapidly deteriorating and the prospect of dam failure and what that would mean to those living downstream continues to be a major concern. Authorizing this project is an important first step in making repairs to the dam.

Finally, section 4019 of the bill authorizes the Corps to study storm damage reduction and beach erosion protection projects along Lake Erie at Luna Pier, MI. The city of Luna Pier lies on the western end of Lake Erie in Monroe County, MI. The shoreline dike system and beach sills that were installed at Luna Pier continue to deteriorate because they are subjected to Lake Erie's severe storms. This study is a first step in making the necessary repairs at Luna Pier to provide adequate storm damage reduction, beach erosion protection, and flood prevention.

The Great Lakes are one of world's greatest natural resources, so I am very pleased that this bill takes some needed actions to protect and restore them.

First, the bill includes an extremely important provision to authorize the Corps of Engineers to complete the dispersal barrier in the Chicago Ship and

Sanitary Canal. In order to prevent aquatic invasive species, such as the Asian carp, from moving between the Mississippi River watershed and the Great Lakes, this dispersal barrier needs to be completed. Specifically, the Corps will be authorized to convert Barrier I into a permanent facility, to complete construction of Barrier II, and to operate and maintain both dispersal barriers at full Federal cost. The Corps is further authorized to study options for hydrologic separation while maintaining the movement of cargo and recreational vessels so that we can determine what a long-term solution should be.

Second, the bill reauthorizes the Great Lakes Remedial Action Plans and Sediment Remediation program and the Great Lakes Tributary Models Program. The Great Lakes Remedial Action Plans and Sediment Remediation Program has allowed the Corps to provide technical support to States and Remedial Action Plan committees so that the United States can meet international obligations. Michigan has several communities that request this assistance from the Corps every year. Using the Great Lakes Tributary Models Program, the Corps has developed computer models to simulate the erosion, transport and deposition of sediments within a watershed, and can be used to evaluate the effectiveness of soil conservation and other source control measures on the loadings of sediments and sediment contaminants to Great Lakes harbors and navigation channels.

Next, this bill brings equity to both the John Glenn Great Lakes Basin Program and the Great Lakes Fishery and Ecosystem Restoration Program so that in-kind contributions count towards the non-Federal cost-share requirements of those programs. Further, the bill clarifies that any reconnaissance studies under the Great Lakes Fishery and Ecosystem Restoration Program are to be performed at Federal expense. This was the original intent when the program was first authorized in 2000.

Lastly, this bill expands the type of beneficial use of dredge material projects eligible for inclusion under this authority. Dredging improves and maintains navigation channels in the Great Lakes and is used for other purposes such as waterfront construction, utilities placement, and environmental remediation. It only makes sense to use the dredge spoils for beneficial purposes rather than disposing of it in the middle of the lakes.

Mr. OBAMA. Mr. President, I would like to applaud the Senator from California, Mrs. BOXER, for her excellent work in swiftly bringing the Water Resources Development Act to final passage in the Senate. When the Senator from California became chairman of the Environment and Public Works Committee at the beginning of the 110th Congress, she pledged that this important bill would receive Senate consideration as quickly as possible. She kept that pledge, and I encourage all supporters of this bill to acknowledge that commitment.

During the 109th Congress, those of us who supported swift enactment of the Water Resources Development Act met considerable obstacles to that goal. I called upon Senate leadership to schedule this bill in the summer of 2005. Later, my colleague, the Senator from Missouri, Mr. BOND, and I worked together on a letter, signed by 40 of our colleagues, calling upon Senate leadership to schedule floor time for this bill. Still later, when we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81. Seven months later, the Senate finally scheduled debate, but the final bill was never finished before the 109th Congress adjourned. It has now been 7 years since the last WRDA bill and it is long overdue.

This bill provides approximately $2 billion for upgrades to locks and dams along the Mississippi and Illinois rivers. Illinois is the largest shipper of corn and soybeans on these rivers and the 70 year old system of locks and dams needs to be upgraded to ensure swifter access to export markets—something, by the way, that competitors like Brazil are doing right now. A significant part of competitive agriculture is about reducing transportation costs, so if we are to strengthen our agriculture markets, we need to strengthen waterway transportation, and that means upgrading these locks and dams.

Despite my longstanding support for WRDA, I was unable to cast a vote on the bill because I was scheduled to give a speech at the time of the vote. However, had I been able to vote, I would have supported the bill.

Mr. FEINGOLD. Mr. President, today I voted in support of the Water Resources Development Act of 2007. While I have concerns about the $15 billion price tag of the Senate bill and Congress' failure to prioritize these new projects and the nearly $60 billion of authorized but unconstructed Corps projects, I strongly support the reform provisions in the underlying bill. These reforms are absolutely essential for improving the Nation's water resources planning and should be the baseline of reforms coming out of conference.

These important reform provisions include independent peer review of costly or controversial Corps projects; dramatic improvements to the Corps' mitigation process; modernizing the Corps' woefully out of date planning guidelines; establishing a new national policy that directs the Corps to avoid impacts to floodplains; and requiring an interagency assessment of the nation's vulnerability to flood and related storm damage and recommendations to improve the Nation's various flood prevention programs.

Senator MCCAIN and I have long championed these reforms, and I thank him and his staff for their continued commitment to this important issue. I also appreciate the support from my colleagues—and the cosponsorship by Senators MCCAIN, COBURN, CARPER, GREGG, SUNUNU, and DEMINT—for the prioritization amendment that I offered. Prioritization is essential to ensure Congress has the information it needs to assess the relative importance of Corps projects. This is not only our fiscal responsibility, but is important to the country's economic development and transportation systems, and our ability to protect citizens and property from natural disasters.

I am very pleased that Senator BOXER, Senator INHOFE, Senator BAUCUS, and Senator ISAKSON reported a WRDA bill that retained the hard-fought reforms from last Congress. Through negotiations and a successful independent review amendment on the floor, we took the first step to ushering in critical reforms to the Corps of Engineers in more than 20 years. As we look ahead to conference, I particularly appreciate Chairman BOXER's commitment to retain these reforms in conference. I thank Chairman BOXER and Majority Leader REID for joining me in a colloquy to this effect.

''Corps reform'' has been an ongoing effort over the years. Many of my current and former colleagues, staff, and numerous taxpayer and environmental groups have played a role and I am grateful for all of those efforts. It is my hope that we can honor these efforts and recognize the importance of instituting significant policy changes by enacting a final bill that retains the Senate's strong reforms and keeps the cost to the taxpayer at the current level or less.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PASSING OF YOLANDA KING

Mr. LEAHY. Mr. President, today our nation mourns the loss of Yolanda King, the eldest daughter of the late Dr. Martin Luther King, Jr., and Coretta Scott King, and the ''first daughter'' of the civil rights movement.

Yolanda King's life moved in the stream of American civil rights history. Born in segregated Montgomery,

AL, in November of 1955, she came into this world only 3 weeks before the Interstate Commerce Commission issued its ban on racial segregation in interstate commerce and 2 weeks before Rosa Parks refused to give up her seat to a white passenger on a bus in Montgomery. Yolanda was 7 years old when her father, in his famous ''I Have a Dream'' speech, said ''I have a dream that my four little children will one day live in a Nation where they will not be judged by the color of the skin but by the content of their character.''

In a 2004 statement entitled, ''The Meaning of the Dr. Martin Luther King, Jr. Holiday,'' Coretta Scott King recalled that ''Dr. King once said that we all have to decide whether we will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question . . . is what are you doing for others?''

Yolanda led a life that made her family and her Nation proud. She was an actress, an author, and a producer. But she also worked in service to others. The world will remember her as an activist for peace, an ardent supporter of nonviolence, and a torchbearer for Dr. King's dream of racial harmony.

Through her actions, the King family legacy lives on. Like her parents, Yolanda inspired a generation of youths to dedicate their lives to service. Her life is a shining example that we all can make a difference, and her deeds will continue to inspire generations to come.

Our thoughts are with the King family today. I salute Yolanda's life, and hope that our Nation will continue its march towards a more inclusive democracy.

PITTSBURGH HEALTHCARE SYSTEM

Mr. SPECTER. Mr. President, today I have sought recognition to comment on legislation to increase the authorized spending level for the ongoing consolidation project at the U.S. Department of Veterans Affairs, VA, Pittsburgh Healthcare System.

In May 2004, then-VA Secretary Anthony Principi announced the final results of the Capital Asset Realignment for Enhanced Services, CARES, plan, a nationwide effort to identify buildings and functions which do not merit continued operation and to create long-term budget efficiencies by getting rid of underutilized facilities while improving access to care. As a result of this process, the Highland Drive VA Medical Center, VAMC, in Pittsburgh was targeted for closure, and the facility's functions are to be consolidated within Pittsburgh's University Drive VAMC and H.J. Heinz VAMC. However, in order for this consolidation to move forward and for the VA to realize the desired savings, significant construction is necessary at the University Drive and Heinz campuses.

Initial estimates placed the total cost for construction at these two facilities at $189.2 million. I introduced legislation which authorized construction at this level and have helped secure $102.5 million in appropriations towards this effort—$20 million in fiscal year 2004 and $82.5 million in fiscal year 2006. I have pushed for Congress to fully fund this project in order to avoid cost overruns and to help the VA realize long-term savings which can be used to better serve our Nation's veterans.

Despite the Pittsburgh project being ahead of schedule and ready for additional funding, I was disappointed to see that the administration did not seek funding for any component of the Pittsburgh project in its fiscal year 2007 budget request. On February 28, 2006, Senator Rick Santorum and I wrote VA Secretary Jim Nicholson a letter seeking clarification on VA's future plans for funding the project. According to his May 8, 2006, response, ''Funding for construction of the mental health and research facilities at the University Drive VAMC and the ambulatory care center at the Heinz VAMC will be incorporated into VA's fiscal year 2008 budget request.'' The response also stated, ''. . . closure of the Highland Drive Division will not be accomplished until all construction is completed.'' I will ask that this letter be printed in the RECORD.

However, I was disappointed to learn that the VA's fiscal year 2008 Budget request indicates that the estimated total cost to complete these projects has risen dramatically to $248 million. Further, the VA has only requested $40 million for these projects in fiscal year 2008, which would leave $105.5 million remaining to be appropriated to complete construction. I believe Congress should fully fund this project now in order to avoid additional cost increases in the future.

This bill simply raises the authorization to the level indicated by the VA necessary to complete these construction projects. I urge my colleagues to support this technical legislation, which is intended to allow the VA to realize the savings envisioned by the 2004 CARES process on an expedited basis, making more money available for the care of our Nation's veterans.

I ask unanimous consent that the February 28, 2006, letter Senator Santorum and I wrote to Secretary Nicholson and the Secretary's May 8, 2006 response be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF VETERANS AFFAIRS,
Washington, May 8, 2006.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter and continued support of the Department of Veterans Affairs (VA) Pittsburgh Healthcare System Major Construction Project. I regret the delay in this reply.

VA planned to fund the consolidation of the Highland Drive psychiatry, mental health, research, and administrative functions within the University Drive and the H. John Heinz VA Medical Center (VAMC) in Pittsburgh over a 3-year period from 2004 through 2007. Planning for this project began in 2003. This preplanning led to $35 million being made available in fiscal year (FY) 2005, one year ahead of the initial schedule.

This $35 million plus $20 million appropriated in FY 2004 supported design and construction of the 1,500 car parking garage for the University Drive VAMC; demolition of vacant structures at the Heinz VAMC; and master design services and multiple renovation projects to immediately enhance care. These projects are being completed on time and within budget. In FY 2006, $50 million is being used for the construction of the 98–bed residential living center, administration building, and various infrastructure and support facilities at the Heinz VAMC. These projects are also on time and within budget.

Funding for construction of the mental health, and research facilities at the University Drive VAMC and the ambulatory care center at the Heinz VAMC will be incorporated into VA's FY 2008 budget request. The project can still be completed with a marginal delay in schedule. As various buildings are completed, services will be gradually relocated; however, full closure of the Highland Drive Division will not be accomplished until all construction is completed.

Your assistance and support have been instrumental in ensuring this project remains on schedule and fully funded. A similar letter has been sent to Senator Rick Santorum, who co-signed your inquiry.

Sincerely yours,

R. JAMES NICHOLSON.

U.S. SENATE,
Washington, DC, February 28, 2006.

The Hon. R. JAMES NICHOLSON,
Secretary of Veterans Affairs, Department of Veterans Affairs, Washington, DC.

DEAR SECRETARY NICHOLSON: We write today with regard to the Department of Veterans Affairs (VA) Fiscal Year (FY) 2007 budget, particularly with respect to funding levels to support the Capital Asset Realignment for Enhanced Services (CARES) recommendations.

As you know, the recent VA CARES process closed the Highland Drive VA Medical Center (VAMC) in Pittsburgh, Pennsylvania. As a result, that facility's psychiatry, mental health, research, and administrative functions are to be consolidated within the University Drive VAMC and the H. John Heinz VAMC in Pittsburgh. VA officials promised Congress that there would be no termination of services at the Highland Drive facility until construction of the new facilities is completed and the transfer of patients from the Highland Drive VAMC to the University Drive VAMC and the Heinz VAMC is completed.

Included in the VA Budget Request for FY 2007 is a request for $457 million for the CARES program, which includes funding for the continuation of specific medical facility projects and the funding of new projects. Notably absent from this request is funding for the continuation of the VA CARES construction project within the VA Pittsburgh Healthcare System. We are concerned that any delay of funding for this crucial initiative will negatively impact the construction

of the Ambulatory Care Center at the Heinz VAMC and the Behavioral Health Pavilion at the University Drive VAMC.

It is our understanding that the VA Pittsburgh Healthcare System is currently progressing on schedule and within its budget. Since the Highland Drive VAMC cannot close until the construction on the other facilities is complete, we ask for your clarification on the VA's future plans for construction project funding for the VA Pittsburgh Healthcare System.

Thank you for your attention to this inquiry.

Sincerely,

RICK SANTORUM,
ARLEN SPECTER,
U.S. Senate.

SENATOR TED STEVENS OF ALASKA

Mr. DOMENICI. Mr. President, on April 13, 2007, my dear friend and colleague Senator TED STEVENS became the longest serving Republican Senator in the history of this body. Today, I would like to pay tribute to my friend and his more than 38 years of service to our Nation and the people of Alaska.

I have known and worked with TED for over 34 years. We have served together on the Appropriations, Budget, and Homeland Security and Government Affairs Committees and many others. TED and I have been in the Senate together for so long some of the committees on which we served no longer exist. We have collaborated on more pieces of legislation than I can remember and worked to resolve many issues. Most recently, I was thankful for his hard work in the effort to open the Arctic National Wildlife Refuge and increase the strategic security of the country.

I am happy to say TED has made the trip to New Mexico and I to Alaska so we could appreciate the needs of each other's home States. I have also had the pleasure of taking several trips with TED abroad, some more enjoyable than others. One that stands out in my mind is the fact-finding trip we took to North Korea several years ago to better understand the threat that nation poses to the world. I don't believe many people can say they have traveled there, even fewer can say they did it with TED STEVENS. I am very thankful I can.

I think it is safe to say TED has had a remarkable life and career, born in Indianapolis, he has lived in California, Oregon, and Montana—finally settling in his beloved Alaska. During the Second World War, TED left college to join the Army Air Corps and became a decorated pilot. After the war TED attended Harvard Law School, became a U.S. Attorney, worked in the Department of the Interior, started his own law firm, and was elected to the Alaska House of Representatives. For most individuals these accomplishments, all before he came to the Senate, would have marked a full and successful life. However, for TED it was just the beginning and I believe this Nation is lucky it was.

After serving with TED for so many years I know of no one who cares more about the people of Alaska and this Nation or serves either with more dedication and distinction. I would like to personally thank TED for his friendship and hope to have the honor of serving alongside him for many years to come.

CONGRESSMAN JIM JONTZ

Mr. HARKIN. Mr. President, it is with great sadness that I note the loss of former Congressman Jim Jontz, who died last month after a 2-year battle against colon cancer. All of us, and especially our Nation's political discourse, are much the poorer for the loss of Jim's energetic voice for progressive politics and his use of grassroots organizing to connect people not only to elective politics, but even more important, to the politics of governing—to the art of making our government institutions respond and work for the people they serve.

Jim's indefatigable, tireless approach to politics put him in the Indiana House of Representatives at age 22. He won that race, against the sitting House majority leader, by two votes, which he claimed to have picked up in a laundromat late in the night just hours before the election. He served in the Indiana House for 10 years, then in the Indiana Senate for 2 years.

Jim was elected to Congress in 1986 and served in the House of Representatives from 1987 to 1993. A big part of his successful congressional campaign was his call for more effective Federal action responding to the worst economic crisis in American agriculture since the Great Depression. It was typical of Jim that he saw the pervasive ramifications of the farm crisis as striking at the heart and character of rural America. And he fought to turn that situation around.

During his time in Congress, Jim emphasized environmental issues, as he had in the Indiana Legislature, including pushing for protection of forests in the Pacific Northwest. As a member of the House Agriculture Committee during debate on the 1990 farm bill, he was out front, in truth ahead of his time, in calling for a greater emphasis on promoting and supporting more effective agricultural conservation and environmental practices.

As could be expected, some who were beholden to the conventional wisdom sought to portray Jim as attacking the very underpinnings of U.S. agriculture. Theirs was the politics of division, of contriving threats and sowing fear, but his approach, as usual, was not to deepen divisions but rather to find common ground.

In Jim's proposals, stronger Federal policies to help agricultural producers practice better conservation and stewardship would also improve their prospects for making a living and remaining in agriculture, while enhancing the environment and quality of life for their families and others living in rural communities.

Looking back from today's vantage point, much of what Jim was proposing for the conservation of our Nation's resources is now widely accepted as a fundamental part of our Nation's agricultural policy—although we still have a long way to go to fulfill the vision Jim did so much to instill.

For a second-term Congressman working on his first farm bill, Jim played an unusually significant and effective role in the 1990 farm bill. Many of his amendments promoting agricultural conservation and sustainable agriculture were adopted in the House bill and ultimately in the conference report enacted as the Food, Agriculture, Conservation and Trade Act of 1990. He also successfully pushed for initiatives involving packer concentration, grain quality, food aid, agricultural research and farm income assistance.

After leaving Congress, Jim served for several years as the president of Americans for Democratic Action, and in recent years served as ADA's president emeritus. In that capacity, he led ADA's Working Families Win project which focused on heightening the profile of fair trade and environmental issues among presidential and Congressional candidates. True to his grassroots organizing origins, Jim employed the Working Families Win project to activate and motivate local efforts on outsourcing, minimum wage and health care issues.

Jim's untimely death at age 55 leaves a big hole in the leadership of America's progressive politics. We should all take inspiration and instruction from this master in the art of deploying grassroots organizing and high-minded politics toward the highest ideals and aspirations for our great Nation.

Along with my colleagues, I extend my deepest sympathy and condolences to Jim's mother, stepfather, sister and three nieces, and to the many friends and people he touched in his abundant but too short life.

FISCAL YEAR 2008 BUDGET RESOLUTION

Mr. DOMENICI. Mr. President, I believe that my service in the Senate has been highlighted by my interest in the budget process.

As this year's budget negotiations continue, I would like to draw the attention of other Senators to a recent editorial in the Wall Street Journal concerning the single largest day of tax collection in U.S. history. The editorial is entitled ''April Revenue Shower.''

I think this editorial raises some very interesting points that are particularly relevant as Congress debates the fiscal year 2008 budget resolution. The Wall Street Journal points out that in April alone the U.S. Government collected $70 billion in tax receipts above the same month last year and for the current fiscal year tax receipts are up 11.3 percent or $153 billion from last year. I am not sure if most

people are aware of the fact that on April 24, 2007, the United States collected a record setting $48.7 billion in tax receipts. I think these numbers are certainly worth our attention.

What I find so interesting about these record-breaking tax revenues is the fact they were achieved without raising taxes and without a Federal budget in place. Rather, the American economy is the driving force behind these windfalls. I would pose the question that maybe; just maybe, we should maintain the status quo instead of entering into the budget resolution that is being proposed.

I think Congress should think long and hard about these numbers before we consider making any change to current budget policy. Because of these record tax revenues the budget deficit could be slashed in more than half from this same time last year. The deficit could be reduced by $150 billion this year, which equates to approximately 1 percent of gross domestic product. I believe our current budget policy is paying off and in the next 18 to 24 months the deficit could completely disappear, if we here in Congress do not veer off course.

I am not surprised that we are collecting nearly 30 percent more from nonwithheld income. Moreover, I also do not find it surprising that individual income tax receipts are up by almost 17.5 percent. I believe that the tax relief that we instituted in 2001 and 2003 is paying large dividends and our economy is benefiting.

I hope my colleagues in the Senate will consider these facts and not attempt to fix something that is not broken. I am simply saying that maybe we should not be rushed into action.

Additionally, I ask unanimous consent that this editorial from the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL REVENUE SHOWER

Here's the ''surge'' you aren't reading about: the continuing flood of tax revenue into the federal Treasury. Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48.7 billion, according to the latest Treasury report.

The April comparison is slightly askew because the IRS processed more returns than usual this year. But there's no denying that Americans are sending more money than ever to Washington; revenues for the first seven months of fiscal 2007 are up 11.3%, or $153 billion. This Beltway bonanza has helped to slash the projected federal budget deficit by more than half from the same point last year. Across the past three Aprils, federal red ink has sunk by nearly $300 billion. The deficit this year could tumble to $150 billion, or an economically trivial 1% of GDP.

This revenue boom certainly casts doubt on the political walls about tax loopholes for the rich. So far this year, the taxes paid on so-called nonwithheld income, which are dollars that don't come from normal wages and salaries, have climbed by nearly 30%. This is income largely derived from capital gains, dividends and other investment sources—i.e., the tax rates that President Bush cut in 2003. Individual income taxes are also up by 17.5%—a handsome fiscal dividend from rising wages and low unemployment.

In other good news, the pace of federal spending, which was pedal-to-the-metal in Mr. Bush's first term, has finally decelerated. So far this year federal outlays have climbed by 3%, and, save for Medicare and Medicaid, federal expenditures are nearly flat from 2006. Spending will climb again once the Iraq supplemental passes, and revenues can't keep rising at a double digit pace forever.

Still, you'd think this dramatic fiscal turnaround would cheer up Capitol Hill. Instead, Congressional Democrats seem to live in a parallel universe—one that they claim is starved for revenues, with a runaway deficit, and is dominated by the rich who pay no taxes at all. The reality is that the wealthy are financing Democratic spending ambitions, and the deficit could easily vanish within a year or two if Congress has the good sense to leave current tax policy in place.

NATIONAL POLICE WEEK

Mr. KOHL. Mr. President, I wish today, on National Police Week, to honor this Nation's law enforcement officers. Our law enforcement officers are some of the bravest men and women we will ever come across. They selflessly dedicate their lives to keeping our communities safe and taking dangerous individuals off our streets.

Tragically, some of those officers lose their lives while on duty. The National Law Enforcement Officers Memorial currently bears the names of more than 17,500 officers who have been killed or died while on duty. This week, 382 additional names will be added. Two of those fallen officers are from my home State of Wisconsin.

Jackie Ryden dedicated his life to law enforcement, spending 33 years with the Ellsworth Police Department, the Pierce County Sheriff's Department, and the Prescott Police Department. He was a well-liked and well-respected member of the police force, as well as his community.

On September 2, 2006, Jackie responded to a natural gas explosion and the resulting fire. He helped to evacuate a number of local citizens from their homes. Shortly after Officer Ryden returned to his patrol car to help direct traffic, he suffered a heart attack and died. According to those who knew him best, he passed away doing what he loved best—serving and protecting his community. Jackie Ryden is survived by his wife, two children, and three grandchildren.

The second officer whom I seek to honor today is Stephen Hahn. Stephen was a special deputy with the Eau Claire County Sheriff's Office, serving approximately 40 years in law enforcement. Mr. Hahn was killed in a traffic accident while transporting an inmate. A vehicle heading in the opposite direction lost control and struck the van being driven by Deputy Hahn. He is survived by his wife and two children.

We mourn the loss of these two great, brave men and attempt to honor them by recognizing the sacrifices they made for the benefit of others. Both of their communities, and the State of Wisconsin as a whole, are worse off because of the loss of these two public safety officers. I am pleased, however, that their names are being added to the National Law Enforcement Officers Memorial, so they can forever be remembered for their hard work and dedication to improving the lives of those around them.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on May 15 I was unable to vote on certain provisions of H.R. 1495, the Water Resources Development Act of 2007. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 163, on amendment No. 1090, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 164, on amendment No. 1089, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 165, on amendment No. 1086, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 166, on amendment No. 1094, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Mr. BROWN. Mr. President, I missed today's votes on Iraq because I was attending the college graduation of my daughter, Elizabeth.

But I want to express my unqualified support for the amendment offered by my colleagues, Senator FEINGOLD and Senator REID.

This amendment says that our entanglement in another country's civil war has gone on long enough.

This amendment says that Congress must stop playing the role of spectator and start standing up for our overtaxed and inadequately protected troops.

This amendment says we must stand up for their families.

This amendment says that we have an obligation to support our men and women in uniform, not only by funding them, but by bringing them home.

The funding for our troops is assured, whether they are deployed in Iraq or redeployed from Iraq.

This amendment calls for their redeployment.

Those who claim this amendment would cut off funding for our troops are actually saying that the President, if required to redeploy our troops, would instead cut off their funding.

I may not see eye to eye with our President, but I don't believe him capable of that.

The Feingold-Reid amendment says ''enough is enough.''

A majority of Americans want our troops to come home. It is time to bring them home.

I thank Senator FEINGOLD and Leader REID for having the conviction and the courage to stand up for our troops.

Patriotism is not passive. It is not swayed by inflammatory rhetoric or false accusations.

In the case of Iraq, patriotism does not mean blindly following the current path, it means carving out the right one.

Bringing our troops home is an act of patriotism. The Feingold-Reid amendment is an act of patriotism, and I fully support its intent.

ADDITIONAL STATEMENTS

RECOGNIZING JANET TURCOTTE

• Mr. CARDIN. Madam President, today I wish to recognize Janet Turcotte, of Bowie, MD, for her courageous efforts to raise awareness of colon cancer and promote screening. Janet was first diagnosed with Stage IV colorectal cancer 4 years ago at age 53, and she is currently battling her third recurrence of the disease. I met Janet in March when she came to my office on behalf of C3, the Colorectal Cancer Coalition. C3 is a national organization whose mission is to eliminate suffering and death due to colorectal cancer. Janet has joined the coalition in its push for ''more research to improve screening, diagnosis, and treatment of colorectal cancer; for policy decisions that make the most effective colorectal cancer prevention and treatment available for all; and for increased awareness that colorectal cancer is preventable, treatable, and beatable.''

Last year, Janet Turcotte brought her fight against colorectal cancer to a new venue, the Preakness Stakes at Pimlico Race Course. The Preakness is the second and shortest leg of horse racing's prestigious Triple Crown, being preceded by the Kentucky Derby and followed by the Belmont Stakes. The race was inaugurated in 1873 for 3 year-old thoroughbreds, and its 132nd running will be held this coming Saturday, May 19 in Baltimore, MD. Janet has embroidered the saddlecloths for thoroughbreds at the annual race for over 2 decades. Last May, she added the colorectal cancer ''Blue Star of Hope'' to the saddlecloths of the 11 contenders. Pimlico Race Course will again support Janet's efforts to fight colorectal cancer this coming weekend. More than 17 million people will view this weekend's race and her efforts will make a true difference in raising awareness. Of the millions of viewers, it's estimated that nearly 1 million of them are at risk for developing the disease. Janet, along with race course officials, hopes that this symbol will encourage early screening and detection of colorectal cancer.

Janet's message is an urgent and important one. In 2006 alone, according to the American Cancer Society, more than 150,000 new cases were diagnosed and more than 50,000 Americans died from colon cancer. In my own State of Maryland, nearly 1,000 people lost their lives to this disease last year. What many people are not as aware of is that colon, cancer is preventable with appropriate screening, highly detectable, and curable if found early.

This past April, I introduced the Colon Cancer Screen for Life Act of 2007 along with my colleagues, Senator COLLINS, Senator LIEBERMAN, and Senator GRAHAM. This bill would help eliminate the barriers that currently exist under Medicare for colorectal cancer screening and increase the number of seniors who receive this potentially lifesaving benefit. According to the Centers for Disease Control and Prevention, if everyone age 50 and older were screened regularly, as many as 60 percent of deaths from colorectal cancer could be prevented. When colorectal cancer is found early and treated, the 5-year survival rate is greater than 90 percent. With the number of lives at stake, the efforts of Janet Turcotte and other brave survivors deserve special recognition. As Janet has said, ''As the thoroughbreds carry this symbol in the race to the finish line, I can only hope that through awareness and prevention, we too can win the race against colorectal cancer.'' I wish Janet Turcotte all the best on Saturday and ask my colleagues to join me in commending her for this important effort.•

CIVIC EDUCATION IN IDAHO

• Mr. CRAPO. Mr. President, I would like to recognize the dedicated efforts of the students at Orofino High School who came to Washington to represent Idaho in the finals of the annual We the People: The Citizen and the Constitution Program.

The national finals include a hearing which gives the students the opportunity to apply their specialized learning in history, social studies, government, and civics during ''testimony'' before a panel of judges. As they use their newly gained knowledge of the Constitution and the Bill of Rights to examine, counter, and defend issues facing America today, students come to appreciate the timeless nature of this great document. This experience gives young people the opportunity to apply civic values to real-life challenges and serves them in whatever they choose to do after they graduate from high school.

Orofino High School was excellently represented by Jennifer Cluck, Justin Haag, Gary Hardin, George Korbel, Nathan LeBaron, Ryan Lundgren, Madison Morrow, Eric Petersen, Jessica Robbeloth, Ashley Roshitsh, Capri Savage, Kelsey Stemrich, and Bret Zender.

Cindy Wilson, the teacher who prepared these exceptional students, deserves recognition for her tremendous efforts. Also worthy of special recognition is Peter Kavouras, the State coordinator, who is among those responsible for implementing the We the People Program in my State.

Idahoans can be proud of the growth of civic virtue in their young people. As they look beyond themselves to the realm of the public good, Idaho and America will benefit as these individuals develop into responsible, intelligent citizens who practice discernment in judgment in matters of concern to our State and Nation. In the future, these student citizens will be more inclined to exhibit leadership faithful to the ideals upon which our country was built and consonant with the notions of liberty, freedom, justice, and rule of law.•

CANNON AIR FORCE BASE, NEW MEXICO

• Mr. DOMENICI. Mr. President, I wish to speak about the importance of Cannon Air Force Base, NM.

Cannon Air Force Base's primary mission is an F–16 fighter wing able to perform day or night operations. However, the base is currently undergoing an exciting transition to be an Air Force special operations base. I am excited about this mission and the work that will be done in eastern New Mexico, but with every new mission, we must also remember prior missions.

Today I want to commemorate the last mission of the 27th Fighter Wing's 523rd Fighter Squadron, which was flown on May 10, 2007, as the 523rd is being deactivated in preparation for Cannon's new mission.

The 523rd Fighter Squadron has a unique history that dates back to well before their time in New Mexico. It was established on February 1, 1940, as a bombardment squadron with B–18s. The squadron arrived at Cannon in 1959. One of its missions from Cannon came after September 11, 2001, when the 523rd flew 24-hour-per-day operations in defense of our Nation.

This fighter squadron will not be the last to leave Cannon Air Force Base, as other departures are expected in this summer and fall as well as next spring. However, the 523rd Fighter Squadron has long been a vital part of our Nation's defense as well as Cannon's 27th Fighter Wing, and I am proud of all of the men and women who have served in the 523rd.

Today I want to honor them, as well as all of the men and women who have served at Cannon Air Force Base. I am proud New Mexico has been home to so many outstanding individuals, and I look forward to working with more such soldiers as Cannon Air Force Base transitions to an Air Force special operations base in October.•

IN MEMORY OF PHIL B. CURLS, SR.

• Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the life of Phil Curls, a much-loved member of the Kansas City community. With his passing, Phil has left a legacy of public service that will always be cherished, but Kansas City will not be the same without him.

During his life, Phil was an integral member of the Kansas City community and was considered by many to be a local patriarch. Phil always cared deeply about others, whether it was his family, a political cause, or mentoring young leaders through Freedom, Inc.

Phil was a graduate of DeLaSalle High School and earned a bachelor's degree in business administration from Rockhurst College. He served 11 years in the Missouri House and 16 years in the State Senate before retiring in 1998.

I had the distinct honor of serving with Phil in the Missouri General Assembly, where his tenure was marked by excellence and community involvement and where I learned important lessons about public leadership from him. Phil was always regarded highly by everyone he interacted with, including his contemporaries as well as older and younger politicians. Through his public service, Phil helped to shape the course that the city and State has taken.

Phil was deeply involved in Freedom, Inc., making sure the community he loved had the political power necessary to bring about positive change. In addition to Freedom, Inc., Phil was involved in so many organizations and had so many achievements and awards that it would be very difficult to list them all. I can, however, state with total certainty that Phil left a permanent mark on Kansas City and will be fondly remembered and dearly missed.

With Phil's passing, we have lost a prolific public servant and a passionate individual. I will miss him as a close friend. Phil is survived by his wife of 43 years, Councilwoman Melba Curls; daughter Monica; sons Phil II, Michael, Quincy and Louis; four grandchildren; and a large extended family.

Mr. President, I ask that the Senate join me in honoring the life and legacy of Phil B. Curls, Sr.●

2007 WE THE PEOPLE NATIONAL FINALS

● Ms. MURKOWSKI. Mr. President, from April 28–30, 2007, more than 1,200 students from across the country visited Washington, DC to take part in the National Finals of the We the People: The Citizen and the Constitution competition. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by Act of Congress, and is an innovative national educational program developed to educate young people about the Constitution and Bill of Rights.

Sixteen outstanding students from West Anchorage High School of Anchorage, AK, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to Washington, DC, and compete at the national level. I am proud to announce that these talented young people won the Region One: Western States Award at this prestigious national event. The regional awards are presented to one class from each of the five geographic regions that has the highest cumulative score during the first 2 days of competition.

While in Washington, the students participated in a 3-day academic competition that simulates a congressional hearing in which they ''testify'' before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

The We the People competition is a rigorous program and students enter prepared to answer tough questions, some of which Americans have been debating since the Constitution was ratified. For example, participants in this year's competition were asked to evaluate the following constitutional principles: States rights—Evaluate the proposal in the Virginia Plan to give Congress the power to strike down state laws that it considered to be in violation of the national constitution or of the national interest; The rights of the individual—Evaluate the anti-Federalist argument that a bill of rights is as necessary to defend an individual against the majority in a republic as against the king in a monarchy; equal protection—How, if at all, is the concept of equal protection of the laws related to the natural rights philosophy and the idea of a social contract? America's role as an example to other countries—Which aspects of American constitutional democracy have been the most influential in other countries?

I am so proud to recognize the outstanding students from West Anchorage High School, this year's We the People Region One winners:

Kristin Baylon, Justin Birchell, Kathryn Braden, Chloe Cotton, Taylor Evenson, Emmaus Finau, Colby Gerik, Matthew Legacki, Elyse Lindsay, Patrick Marcil, Sara Perman, Molly Quinn, Leyna Rynearson, Henrik Strand, Chandra Suriano, and Brianna Thompson.

I also wish to commend the teacher of the class, Pamela Orme, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition is Maida Buckley, the state coordinator, and Todd Heuston, the district coordinator, who are among those responsible for implementing the We the People program in Alaska.

I congratulate these students on their exceptional achievement at the We the People National Finals.●

HONORING ISADORE ERWIN MILLSTONE

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me in recognizing Isadore Erwin ''I.E.'' Millstone of Saint Louis, MO. It is an honor to celebrate I.E.'s centennial birthday and to pay tribute to all that he has accomplished in his 100 years. Through his business and philanthropic interests, Mr. Millstone has helped shape the course of the city of Saint Louis over the past century.

Born on January 6, 1907, in North Saint Louis, I.E. graduated from Soldan High School in 1923. He then continued his education at Washington University in St. Louis, studying architecture and engineering, and graduating in 1927.

During his life, I.E. has been an integral member and patriarch of the Saint Louis community. He is a life member of the United Hebrew Congregation in Saint Louis, where he earned money as a child checking hats and coats, and served as global president of the World Federation of YMHA's and Jewish Community Centers Association.

Following the Great Depression, I.E. formed Millstone Construction Company with his wife and became involved in the creation of many landmarks throughout the Saint Louis area—due in part to his revolutionary use of reinforced concrete. These projects include the old Busch Stadium, Highway 40, and the Jewish Community center in Creve Coeur. As the city is being redeveloped, both the old Busch Stadium and Highway 40 are being transformed to serve a new generation, but the original structures are forever a part of the city's history.

A giant among men, I.E. demonstrates a passion that does not lie solely in building Saint Louis from a physical standpoint. As a dedicated philanthropist, I.E. has supported many causes, including funding a program to support nearly 60 scholarships at Washington University in St. Louis. His dedication to helping others, however, is not limited to the Saint Louis area. Following World War II, I.E. joined a small group of builders to help the new State of Israel construct emergency housing for thousands of immigrants, many of whom were Holocaust survivors.

Mr. President, I ask that the Senate join me in honoring I.E. Millstone for 100 years of dedicated service to Saint Louis and to the world. I am proud to recognize this extraordinary Missourian and wish him many more healthy and happy years to come.●

HONORING LYMAN MORSE BOATBUILDING

● Ms. SNOWE. Mr. President, I rise today to recognize for the week of May 13 an outstanding small business from my home State of Maine that has not only succeeded in manufacturing a product of great quality, but has also made its facilities environmentally friendly and energy efficient. Lyman Morse Boatbuilding of Thomaston, ME has produced boats for over 100 years. Noted for their expert craftsmanship and storied history, Lyman Morse has a proven track record of quality and success. In their great spirit of innovation, Lyman Morse will be unveiling, on May 26, a ''green''—or energy efficient—boat-building facility, and I want to take this opportunity to commend them for this fabulous attempt at conservation.

Lyman Morse's new ''green'' building is a temperature-controlled facility

that is designed for the construction and service of large yachts. Completed in less than a year, the building is 140 feet long, 160 feet wide, and stands 55 feet high. What is particularly remarkable is that heat generated on the building's roof from the sun can be absorbed and used as energy for the building—a truly impressive feat in efficiency. While the new ''green'' building will be Lyman Morse's largest, it will also be their most energy efficient, proving that conservation does not have to hamper effectiveness.

To construct its new facility, I would like to point out that Lyman Morse took advantage of a tax deduction for energy efficient commercial buildings Congress enacted as part of the Energy Policy Act of 2005 and extended in the Tax Relief and Health Care Act of 2006. Congress should heed the example of Lyman Morse, because by incorporating ''green'' building practices, we can reduce energy consumption, increase profitability—and create more jobs.

While Lyman Morse Boatbuilding follows in the historic tradition of New England boat building, particularly that of Midcoast Maine, I am so pleased that it has decided to take advantage of modern technology to be environmentally responsible. In fact, Lyman Morse has been a terrific corporate citizen for many years. I want to point out that in January 2006, the State of Maine declared Lyman Morse Boatbuilding a Maine Clean Boatyard and Marina. A program designed to help preserve and improve natural resources while reducing pollution, the Maine Clean Boatyard and Marinas Program is a partnership of industry, state and federal agencies, and environmental organizations dedicated to promoting best management practices in boatyards and marinas. Participants must exceed Federal and State environmental compliance standards to achieve designation. It is their commitment to environmental safety and energy efficiency, combined with their impressive and trustworthy labor, that makes Lyman Morse a truly special Maine business and worthy of this recognition.

I wish Lyman Morse all the best for the grand opening of their building. It is always inspiring to see examples of good stewards of the environment in Maine, a state that has always appreciated the importance of nature in our everyday lives. Their willingness to protect the one environment that we have is a beautiful example to all of us.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

H.R. 916. An act to provide for loan repayment for prosecutors and public defenders.

H.R. 1036. An act to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation.

H.R. 1505. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach Federal Building.''

H.R. 1700. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

H.R. 1773. An act to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 123. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

H.R. 1036. An act to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

H.R. 1505. To designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach Federal Building.''; to the Committee on Environment and Public Works.

H.R. 1773. An act to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 916. An act to provide for loan repayment for prosecutors and public defenders.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1904. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus NRRL 21882 on Corn; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8130–6) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1905. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Time-Limited Pesticide Tolerances'' (FRL No. 8128–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1906. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetochlor; Pesticide Tolerance'' (FRL No. 8126–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1907. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerance'' (FRL No. 8120–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1908. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pythium Oligandrum DV 74; Exemption from the Requirement of a Tolerance'' (FRL No. 7713–1) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1909. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of the Navy pursuing a multi-year procurement for the V–22 Osprey for the fiscal year 2008 through fiscal year 2012 program years; to the Committee on Armed Services.

EC–1910. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the

Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1911. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq and certain property in which Iraq has an interest that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1913. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1914. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1915. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the accomplishments made under the Airport Improvement Program during fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Cumberland River, Clarksville, TN'' ((RIN1625-AA11)(CGD08-07-010)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1917. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 2 regulations beginning with CGD05-07-047)'' (RIN1625-AA09) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1918. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Queen of England Visit, Jamestown Island, VA'' ((RIN1625-AA00)(CGD05-07-038)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1919. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Roanoke River, Plymouth, North Carolina'' ((RIN1625-AA08)(CGD05-07-028)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1920. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events (including 3 regulations beginning with CGD05-07-009)'' (RIN1625-AA08) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 4 regulations beginning with COTP SAVANNAH 06-160)'' (RIN1625-AA87) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 12 regulations beginning with CGD05-07-024)'' (RIN1625-AA00) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 3 regulations beginning with CGD07-06-050)'' (RIN1625-AA09) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department's 2006 lists of Government activities determined to be inherently governmental and those to be not inherently governmental in nature; to the Committee on Energy and Natural Resources.

EC–1925. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Weirton, WV Portion of the Steubenville-Weirton, OH-WV 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan'' (FRL No. 8314–1) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1926. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the West Virginia Portion of the Wheeling, WV-OH 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan'' (FRL No. 8314–6) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1927. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Muskegon, Benton Harbor, Benzie County, Cass County, Huron County, and Mason County 8-hour Ozone Nonattainment Areas to Attainment for Ozone'' (FRL No. 8314–4) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1928. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities'' ((RIN2050–AG36) (FRL No. 8315–1)) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1929. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants for Source Categories'' ((RIN2060–AN84) (FRL No. 8315–2)) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1930. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Field Directive on the Proper Treatment of Upfront Fees, Milestone Payments, Royalties, and Deferred Income Upon Entering into a Collaboration Agreement in the Biotech and Pharmaceutical Industries'' (UIL 263.13–02) received on May 9, 2007; to the Committee on Finance.

EC–1931. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Public Inspection of Unrelated Business Income Tax Returns'' (Notice 2007–45) received on May 9, 2007; to the Committee on Finance.

EC–1932. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 856—Definition of Real Estate Investment Trust'' (Rev. Rul. 2007–33) received on May 9, 2007; to the Committee on Finance.

EC–1933. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the certification of a proposed export of defense articles, technical data and defense services for major defense equipment in the amount of $25,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–1934. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in the United Kingdom; to the Committee on Foreign Relations.

EC–1935. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–100—2007–107); to the Committee on Foreign Relations.

EC–1936. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled ''2006 Annual Report and Sourcebook of Federal Sentencing Statistics''; to the Committee on the Judiciary.

EC–1937. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, two legislative proposals relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

EC–1938. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the organization's audit for the year 2005–2006; to the Committee on the Judiciary.

EC–1939. A communication from the Chairman, U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the 2006 Audit of the

Corps along with its 2006 Annual Report; to the Committee on the Judiciary.

EC–1940. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Official Fees and Tolerances for Barley Protein Testing'' (RIN0580–AA95) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1941. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Charles W. Hooper to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1942. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Brigadier General James L. Williams to wear the authorized insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1943. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (IN–157–FOR) received on May 16, 2007; to the Committee on Energy and Natural Resources.

EC–1944. A communication from the Secretary of Energy and the Secretary of the Interior, transmitting, pursuant to law, a report relative to the findings of a study of issues regarding energy rights-of-way on tribal land; to the Committee on Energy and Natural Resources.

EC–1945. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to the importation of harvested shrimp; to the Committee on Finance.

EC–1946. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Heavy Hybrid Motor Vehicles'' (Notice 2007–46) received on May 15, 2007; to the Committee on Finance.

EC–1947. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Discontinue Publication of BLS–LIFO Department Store Inventory Price Indexes'' (Notice 2007–44) received on May 15, 2007; to the Committee on Finance.

EC–1948. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—March 2007'' (Notice 2007–34) received on May 15, 2007; to the Committee on Finance.

EC–1949. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Obsolete Guidance on Blocked Income'' (Rev. Rul. 2007–35) received on May 15, 2007; to the Committee on Finance.

EC–1950. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Health Savings Accounts Inflation Adjustments'' (Rev. Proc. 2007–36) received on May 15, 2007; to the Committee on Finance.

EC–1951. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, two draft bills relative to the Heavily Indebted Poor Countries Initiative; to the Committee on Foreign Relations.

EC–1952. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the removal of radiation-hardened microelectronic circuits from the United States Munitions List; to the Committee on Foreign Relations.

EC–1953. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Part 121 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–1954. A communication from the Secretary of Education, transmitting, pursuant to law, the final report of the Academic Competitiveness Council; to the Committee on Health, Education, Labor, and Pensions.

EC–1955. A communication from the Chairman and Commissioners, National Indian Gaming Commission, transmitting, a draft bill intended to ''amend the Indian Gaming Regulatory Act of 1988 to revise the Act to clarify the scope of the National Indian Gaming Commission's authority and to make such other technical amendments as are required''; to the Committee on Indian Affairs.

EC–1956. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the federal cocaine sentencing policy; to the Committee on the Judiciary.

EC–1957. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a legislative proposal entitled ''Intellectual Property Protection Act of 2007''; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*David James Gribbin IV, of Virginia, to be General Counsel of the Department of Transportation.

*Coast Guard nominations beginning with Rear Adm. (lh) Craig E. Bone and ending with Rear Adm. (lh) Brian M. Salerno, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. COBURN):

S. 1405. A bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1406. A bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself and Mr. CRAPO):

S. 1407. A bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings; to the Committee on Finance.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1408. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

By Mrs. CLINTON:

S. 1409. A bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COLEMAN (for himself and Mr. HARKIN):

S. 1410. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 1411. A bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 1412. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1413. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 1414. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Ms. SNOWE):

S. 1415. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. ALLARD, Mr. KOHL, Mr. DODD, Mr. ENSIGN, and Mr. LEVIN):

S. 1416. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. CASEY, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. DOLE, Ms. COLLINS, and Mr. DODD):

S. Res. 203. A resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. CARDIN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. SANDERS, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. BROWN, and Mr. BINGAMAN):

S. Res. 204. A resolution expressing the sense of the Senate with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. STEVENS, Mr. VITTER, Mr. CRAIG, Mrs. HUTCHISON, Mr. CRAPO, Mr. BAUCUS, Mr. LEAHY, Mr. LIEBERMAN, Mr. OBAMA, Ms. LANDRIEU, Mr. COLEMAN, Mr. BAYH, Mrs. LINCOLN, Mr. SCHUMER, Mr. THUNE, and Mr. DOMENICI):

S. Res. 205. A resolution designating June 2007 as ''National Internet Safety Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 150

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 150, a bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

S. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 558, supra.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 971

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 971, a bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1379

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

AMENDMENT NO. 1094

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1094 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1098

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1098 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1098 proposed to H.R. 1495, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1408. A bill improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

Ms. STABENOW. Mr. President, the evidence showing the ability of health IT to reduce costs and improve quality of care is simply overwhelming.

That is why Senator OLYMPIA SNOWE and I are reintroducing our Health-Tech legislation to accelerate the adoption of health information technology.

Businesses across the country are struggling to remain competitive in a global market with skyrocketing health care costs.

The use of electronic medical records could save more than $80 billion annually, reducing costs for businesses and taxpayers alike. We should be putting these systems in place immediately!

And, despite the best doctors, nurses, hospitals, and other health care providers in the world, some patients just are not getting the care they need.

Often times that is because our health care providers do not have the information they need about their patients, when they need it and where they need it.

And, our health care system are not currently set up to prevent errors; the most common medical errors include medication errors and the extra costs of treating drug-related injuries amount to at least $3.5 billion a year.

As compelling as the cost savings is the promise health IT holds for improving the quality of our health care system.

Getting health IT into the hands of our doctors, hospitals, nursing homes and community clinics will mean patients get the care they need, at the right time, and in the best setting.

The value of health IT—saving lives and saving money—is well-known.

So why is it not being used more widely?

Health care providers are struggling to keep up with their daily needs; a major barrier to widespread use of IT is the initial investment cost.

The costs of implementing health IT can be staggering.

For example, the cost of an integrated electronic health record system for a three- to six-member physician practice is estimated to be $70,000–$100,000.

And, the savings from using health IT go primarily to the patients, employers, and insurers, not the providers.

If a patient needs one less x-ray because a hospital can pull up the x-ray performed by a radiologist in a different setting, that is one less co-payment for the patient, and one less bill to the patient's employer or insurer, or to the Medicare program.

It only makes sense for the Federal Government to invest some seed money.

Every day we delay providing Federal dollars, we delay getting health information technology systems in place, and businesses, taxpayers and patients pay in both dollars and lives.

The bill that Senator SNOWE and I are reintroducing today would address just that: It would put IT systems in the hands of providers by establishing a 5-year, $4 billion grant program for health care providers and by providing tax incentives and adjusting Medicare payments for providers who use these systems.

The bill will be referred to the Finance Committee; Senator SNOWE and I are both members of the committee and will work to include our legislation in any appropriate package the committee considers.

We have made an important change to our bill this Congress.

A patient's right to health information privacy is paramount, and is essential to the health care provider-patient relationship.

Therefore we have added a requirement that health IT systems funded by our legislation ensure the privacy and security of personal medical information, and that patients be informed if there is a breach in the privacy of their medical record.

We need to get this done. Widespread use of health information technology can revolutionize our health care system. Getting systems into the hands of providers is the first step.

Our legislation has the support of many consumer, provider, labor and business groups including: AFL–CIO, Altarum, American Academy of Pediatrics, American College of Cardiology, American College of Emergency Physicians, American College of Physicians, American Health Care Association, American Heart Association, American Society of Health-System Pharmacists, Ascension Health, Automation Alley, BlueCross/BlueShield of Michigan, DaimlerChrysler, Detroit Medical Center, e-Health Initiative, Families USA, Federation of American Hospitals, Ford Motor Company, General Motors Corporation, Greenway Medical Technologies, Healthcare Information and Management Systems Society (HIMSS), HR Policy Association, IBM, Marquette General Health System, McLaren Health Care Corporation, Michigan Health and Hospital Association, Michigan State Medical Society, National Association of Children's Hospitals, National Association of Community Health Centers, National Business Coalition on Health, National Business Group on Health, National Partnership for Women and Families, National Rural Health Association, Oracle, Saint John Health, Saint Joseph Mercy Health System—Ann Arbor, Michigan; Saint Joseph Mercy Oakland—Pontiac, Michigan; Saint Mary's Health Care—Grand Rapids, Michigan and Trinity Health.

I urge my colleagues to support this legislation.

Ms. SNOWE. President, today I join my colleague, Senator STABENOW of Michigan, in introducing the Health Information Technology Act of 2007, which will serve to improve the quality of health care through implementation of information technology, IT, in hospitals, health centers and physician practices throughout the country. Our legislation is necessary because as a nation we face two stark problems.

The first of these is a serious patient-safety problem. Indeed if most Americans were told today that 98,000 lives were lost needlessly last year and a cure was available they would undoubtedly call for action. Yet the Institute of Medicine, IOM, has reported that medical errors inflict that toll every

year, and we have the technology at our disposal to dramatically reduce those deaths.

The good news is that solutions exist. We have the technological ability to dramatically reduce medical errors and thus save lives. Many of us have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards. Yet there are so many other applications which can improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease, and avoid adverse outcomes.

Our second major problem is the escalating cost of health care. Our health spending now comprises 16 percent of GNP, and the price of coverage has grown so high that the number of Americans without health insurance reached nearly 47 million last year. Those trends are threatening our economic competitiveness in the world and each American's health security as well. The answer is not to simply expand coverage, because on our current trajectory, escalating costs would simply erode our ability to provide care. It is clear that some fundamental changes must be made in health care.

One of those changes must be the application of modern data technology to save lives and reduce costs. Indeed consider the savings when a physician can locate information efficiently. Tests do not have to be repeated and data is not delayed. In fact, a patient may obtain faster, higher quality care when, for example, multiple practitioners can review diagnostic test results right at their desktops. In an age where millions of Americans share family pictures over the internet in seconds, is it not long past time that a physician should be able to retrieve an x-ray just as easily?

The President certainly recognizes the disparity in technology in health versus other parts of our economy. He has declared a goal for every American to have an electronic medical record within ten years. I concur, we need this and more. In fact, once that record is in place we can do so many things better. From preventing drug interactions, to managing chronic diseases, to simply helping providers operate more efficiently. Most of us have been told at one time or another, ''we're waiting to get the test results mailed,'' or ''we're still waiting for your chart.'' Health care is one of the last bastions of such inefficiency. Indeed it is often easier to track the service history on one's automobile than to see your own health history.

The bad news is that the cost of new systems and a lack of standards have prevented us from reaping the benefits of new technologies. The President has made technology implementation a priority, and there is no doubt that a lack of standards has played a role in slowing IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that, no matter what may happen in the future to a vendor, the huge investment one makes in building an electronic medical records would not be lost. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. So when a patient moves, their electronic ''chart'' should be able to move right along with them, and their continuity of care shouldn't be interrupted.

Yet standards alone aren't enough. Today many providers are struggling to make these investments, and for those which serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult. Our physicians, for example, have seen recent Medicare payment updates which have not even kept pace with inflation . . . and at the same time some expect that they will make a major investment in health IT.

The failure of that logic is clear because we know where the benefits are realized. The benefits to patients are evident, in fewer delays, in better outcome, lives saved. Health IT reduces costs as well, but primarily to those who pay for services, not to providers. Indeed it has been estimated that 89 percent of cost savings accrue to those who pay for services. It should be obvious then that the Federal Government would invest in health IT to reduce its expenditures on Medicare, Medicaid and SCHIP.

That is precisely what this legislation would do. Because as we look to the many studies and reports on health IT, one thing is clear. The annual cost savings actually exceeds the price of implementation. With that kind of return, it is indisputable that the Federal Government must employ health IT to see not only the savings in lives, but also better management of health care spending.

This legislation does that by providing grants to spur adoption among physicians, hospitals, long term care facilities, and both federally qualified health centers and community mental health centers. These grants are targeted to help provide the health IT resources providers need to serve our Federal beneficiaries. In fact, the size of an allowable grant for each provider is keyed to the proportion of the patient care which they deliver to Federal beneficiaries. So we will help these providers deliver better care to those on Medicare, Medicaid and SCHIP . . . while working to see costs reduced in those programs. That is simple common sense.

The legislation supports reasonable expenditures for a variety of expenses required to implement health care information technology. These include such components as computer hardware and software, plus installation and training costs. In addition, when installed we require that every system must meet the HHS Secretary's interoperability standards.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system.

I again want to stress the first goal of this legislation: to help build a safer medical-delivery system. The great successes of our health care system are largely due to our highly committed and talented health care professionals. The problem we are addressing today is not theirs, but is an endemic weakness of the system they depend upon. However, to utilize the solution, the Federal Government must step forward and provide the leadership necessary to make system changes a reality.

When the Medicare and Medicaid Programs began, we could only have dreamed about computerized clinical information systems. Now, today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. In fact, as we face challenges in the financing of health entitlements, this is exactly the sort of initiative which will enable us to achieve the fundamental improvements to make these benefits more fiscally secure.

I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 1411. A bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Federal Government Greenhouse Gas Registry Act. This bill will create an inventory of the greenhouse gas emissions associated with the Federal Government. This includes the Government's buildings, automotive fleets and other sources of emissions. Understanding the ''footprint'' of the Federal Government's emission is essential to reducing those emissions.

The Federal Government is one of the largest emitters of greenhouse gases in the world. In particular, the largest owner or renter of buildings and owns the single largest fleet of cars in the United States. The buildings and the transportation sectors account for nearly two-thirds of all of the greenhouse gases in the country. The Federal Government must lead by example by reducing its own emissions.

Understanding the extent of an entity's emissions, through the development of a registry, is important to ultimately reducing emissions. The private sector already understands this. It has found that tracking and monitoring corporate emissions creates an

opportunity to easily reduce emissions by seeing where energy is inefficiently used. According to a recent report by the Pew Center on Global Climate Change, ''the first step in developing a climate strategy is to analyze a company's GHG emissions profile . . .''

My bill uses the GHG protocol, a rigorous standard developed by experts and used by companies, States and trading regimes around the world, including Johnson & Johnson, the California Climate Action Registry and the EU's emission trading schemes. Utilizing such a well known and frequently used standard is important because it allows for comparison and benchmarking with other large emitters.

The Government Accountability Office, GAO, has also recognized the importance of measuring greenhouse gas emissions. According to a GAO report from April 2007—''Energy Audits Are Key to Strategy for Reducing Greenhouse Gas Emissions''—conducting emissions assessments would ''. . . include information on cost-effectiveness and potential for reducing emissions.''

In closing, the Federal Government has an obligation to lead by example and this bill is a critical first step in reducing its emissions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1411

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Government Greenhouse Gas Registry Act of 2007''.

SEC. 2. FEDERAL GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—FEDERAL GREENHOUSE GAS EMISSIONS

''SEC. 701. DEFINITIONS.

''In this title:

''(1) AGENCY EMISSION BASELINE.—The term 'agency emission baseline', with respect to a Federal agency, means such quantity of the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions used to calculate the emission baseline as is attributable to the Federal agency.

''(2) DIRECT EMISSION.—The term 'direct emission' means an emission of a greenhouse gas directly from a source owned or controlled by the Federal Government, such as from a fleet of motor vehicles.

''(3) EMISSION ALLOWANCE.—The term 'emission allowance' means an authorization to emit, for any fiscal year, 1 ton of carbon dioxide (or the equivalent quantity of any other greenhouse gas, as determined by the Administrator).

''(4) EMISSION BASELINE.—The term 'emission baseline' means a quantity of greenhouse gas emissions equal to the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions for fiscal year 2005, as determined by the Office in accordance with section 702(b)(3).

''(5) ENERGY INDIRECT EMISSION.—The term 'energy indirect emission' means an emission of a greenhouse gas resulting from the production of electricity purchased and used by the Federal Government.

''(6) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(7) INDIRECT EMISSION.—

''(A) IN GENERAL.—The term 'indirect emission' means an emission of greenhouse gases resulting from the conduct of a project or activity (including outsourcing of a project or activity) by the Federal Government (or any Federal officer or employee acting in an official capacity).

''(B) INCLUSIONS.—The term 'indirect emission' includes an emission of a greenhouse gas resulting from—

''(i) employee travel; or

''(ii) the use of an energy-intensive material, such as paper.

''(C) EXCLUSION.—The term 'indirect emission' does not include an energy indirect emission.

''(8) OFFICE.—The term 'Office' means the Federal Emissions Inventory Office established by section 702(a).

''(9) PROTOCOL.—The term 'protocol' means the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard developed by the World Resources Institute and World Business Council on Sustainable Development.

''SEC. 702. FEDERAL EMISSIONS INVENTORY OFFICE.

''(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency an office to be known as the 'Federal Emissions Inventory Office'.

''(b) DUTIES.—The Office shall—

''(1) as soon as practicable after the date of enactment of this title, develop an emission inventory or other appropriate system to measure and verify direct emissions, energy indirect emissions, indirect emissions, and offsets of those emissions;

''(2) ensure that the process of data collection for the inventory or system is reliable, transparent, and accessible;

''(3)(A)(i) not later than 1 year after the date of enactment of this title, establish an emission baseline for the Federal Government; or

''(ii) not later than 180 days after the date of enactment of this title, if the Office determines that Federal agencies have not collected enough information, or sufficient data are otherwise unavailable, to establish an emission baseline, submit to Congress and the Administrator a report describing the type and quantity of data that are unavailable; and

''(B) after establishment of an emission baseline under subparagraph (A), periodically review and, if new information relating to the base year becomes available, revise the emission baseline, as appropriate;

''(4) upon development of the inventory or system under paragraph (1), use the inventory or system to begin accounting for direct emissions, energy indirect emissions, and indirect emissions in accordance with the protocol;

''(5) ensure that the inventory or other appropriate system developed under paragraph (1) is periodically audited to ensure that data reported in accordance with the inventory or system are relevant, complete, and transparent;

''(6) not later than 1 year after the date of enactment of this title—

''(A) develop such additional procedures as are necessary to account for emissions described in paragraph (3), particularly indirect emissions; and

''(B) submit to Congress and the Administrator a report that describes any additional data necessary to calculate indirect emissions;

''(7) coordinate with climate change and greenhouse gas registries being developed by States and Indian tribes; and

''(8) not later than October 1 of the year after the date of enactment of this title, and annually thereafter, submit to Congress and the Administrator a report that, for the preceding fiscal year, for the Federal Government and each Federal agency—

''(A) describes the aggregate quantity of emissions (including direct emissions, energy indirect emissions, and indirect emissions); and

''(B) specifies separately the quantities of direct emissions, energy indirect emissions, and indirect emissions comprising that aggregate quantity.

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this title.''.

By Mr. HARKIN:

S. 1412. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, along with Senators GRASSLEY, BROWN, and BAUCUS, I am introducing legislation that will expand opportunities for our next generation of farmers and ranchers. Over the next two decades, an estimated 400 million acres of agricultural land will be transferred to new owners. Today, farmers over the age of 65 outnumber those below the age of 35 by a margin of nearly two to one. The future structure, health and vitality of our Nation's food and agriculture system depend on sound public policies that provide the next generation of farmers and ranchers the help they need to successfully enter farming and ranching.

The next generation of farmers and ranchers need access to training and mentoring which will help them obtain the critical management and marketing skills vital to their success. The Beginning Farmer and Rancher Program, created in the Farm Security and Rural Investment Act of 2002, is the first USDA program other than credit financing to focus specifically on beginning farmers and ranchers. The Beginning Farmer and Rancher Opportunity Act of 2007 would reauthorize this program and provide $25 million a year in mandatory funding. We also propose to make beginning farmer issues, such as land transition, farm transfer and succession, and entry into farming priority research areas within the Initiative for Future Agriculture and Food Systems.

Beginning farmers and ranchers who are unable to obtain credit from commercial sources are eligible for Farm Service Agency direct farm ownership and operating loans up to an amount of $200,000 for each type of loan. This limit has not been adjusted in nearly

two decades despite the rising cost of land, equipment and energy, and thus it is no longer sufficient. We propose to increase direct farm ownership and operating loan limits from $200,000 to $300,000 to reflect economic realities. The authorization of appropriations for direct loans is adjusted in the bill to reflect the new loan limits. It is important to increase direct loan authorization levels and appropriations, along with adjusting the direct farm ownership and operating loan limits or the net result may well be larger loans to fewer borrowers out of a constant pool of loan funds.

We propose several adjustments to the beginning farmer and rancher down payment loan program. This loan combines the financial resources of the beginning farmer, the Farm Service Agency and commercial or private lenders. Throughout the 1990s this program was very successful, but in recent years it has not been widely used due to low interest rates on traditional direct farm ownership loans. The interest rates on the down payment loan and direct farm ownership loan have been comparable so qualified borrowers have chosen to use the traditional FSA direct farm ownership loan for which no down payment is required.

The Beginning Farmer and Rancher Opportunity Act of 2007 would adjust the current interest rate of 4 percent for beginning farmer and rancher down payment loans to a floating rate of 4 percent below the regular FSA direct farm ownership interest rates, or 1 percent, whichever is greater. It would also reduce the beginning farmer's down payment from 10 percent to 5 percent of the total price of land and increase the FSA portion of the loan to 45 percent from 40 percent. A commercial lender or private seller would still be required to supply the remaining portion of the partnership loan.

These changes, along with a few others, would make the program more attractive for beginning farmers and ranchers. Creating more attractive incentives in this beginning farmer and rancher down payment loan program should result in limited Federal dollars supporting more qualified borrowers since the government's portion of financing a farm purchase is only 45 percent as opposed to the traditional direct farm ownership loan where the government finances 100 percent of the loan.

The Beginning Farmer and Rancher Opportunity Act of 2007 creates a new beginning farmer and rancher individual development account pilot program. This program is designed to help beginning farmers and ranchers with limited resources establish savings. Eligible program participants agree to save money which is matched by federal and local money. The savings may be used by a participant for capital expenditures for farm and ranch operation, including the purchase of land, buildings, equipment and livestock. This program will help participating beginning farmers and ranchers save and invest in assets that will increase their long-term equity and likelihood of success.

The challenges beginning farmers and ranchers face are immense. The cost of land and equipment, obtaining credit, turning a profit and building equity in a highly uncertain business are just a few of the challenges. The Beginning Farmer and Rancher Opportunity Act of 2007 will help address the big challenge facing America's next generation of farmers and ranchers. This bill is a comprehensive initiative which provides farmers and ranchers critical help they need to enter and succeed in farming and ranching, to be good stewards of the land, to be innovative and entrepreneurial and to respond to rapidly changing markets and economic realities. I encourage my colleagues to support this important legislation and help enact it this year.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 1414. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to join Senator ALEXANDER this year in introducing the American History and Civics Achievement Act. The bill is part of a continuing effort to renew the national commitment to teaching history and civics in the Nation's public schools. It lays the foundation for more effective ways of teaching children about the Nation's past and the importance of civic responsibility. It contains no new requirements for schools, but it does offer a more frequent and effective analysis of how America's students are learning these important subjects.

The NAEP U.S. History and Civics results released today, for example, show that 86 percent of America's high school seniors cannot explain why this country was involved in the Korean war.

Nearly all eighth graders struggle to explain how the fall of the Berlin Wall affected our foreign policy.

Nearly 75 percent of eighth graders cannot explain the historical purpose of the Declaration of Independence.

We can't allow this trend to continue. While some progress has been made in improving student achievement in these subjects, too many students are still unable to grasp their importance.

Our economy and our future security rely on good schools that help students develop specific skills, such as reading and math. But the strength of our democracy and our standing in the world also depend on ensuring that children have a basic understanding of the Nation's past and what it takes to engage in our democracy. An appreciation of the defining events in our Nation's history can be a catalyst for civic involvement.

Instilling such appreciation, and teaching the values of justice, equality, and civic responsibility should be an important mission of our public schools. Thanks to the hard work of large numbers of history and civics teachers in classrooms throughout America, we are making progress. Research conducted in history classrooms shows that children are using primary sources and documents more often to explore history, and are being assigned historical and biographical readings by their teachers more frequently.

But much more remains to be done to improve students' understanding of both of these subjects, and see to it that they are not left behind in their classrooms.

Good standards matter. They are the foundation for teaching and learning in every school. With the right resources, time, and attention, it is possible to develop creative and effective history and civics standards in every State.

Meeting high standards in reading and math is important, but it should not come at the expense of scaling back teaching in other core subjects such as history and civics. Integrating reading and math with other subjects often gives children a better way to master literacy and number skills, even while studying history, geography, and government.

That type of innovation deserves special attention in our schools. Making it happen requires a focus on good standards and student achievement, which we're proposing today. But it also requires added investments in teacher preparation and teacher mentoring, so that teachers are well prepared to use interdisciplinary methods in their lesson plans.

Our bill today takes several important steps to strengthen the teaching of American history and civics, and raise the standing of these subjects in school curriculums. Through changes in the National Assessment for Educational Progress, schools will be better able to achieve success on this important issue.

First, we propose a more frequent national assessment of children in American history under the NAEP—every 4 years. NAEP is the gold standard for measuring progress by students and reporting to the Nation on that progress. It makes sense to measure the knowledge and skills of children on the NAEP more frequently than every 5 or 6 years, to obtain a more timely picture of student progress and better address gaps in learning.

The bill also proposes to strengthen state standards in American history and civics, through a new State-level pilot assessment of these subjects under NAEP. The assessment would be conducted on an experimental basis in 10 States in grades 8 and 12. The National Assessment Governing Board will ensure that States with model

standards, as well as those whose standards are still under development, will participate in this assessment.

Moving NAEP to the State level does not carry any high stakes for schools. But it will provide an additional benchmark for States to develop and improve their standards. It is our hope that States will also be encouraged to undertake improvements in their history curricula and in their teaching of civics, and ensure that both subjects are a beneficiary and not a victim of school reform.

America's past encompasses great leaders with great ideas that contributed to our heritage and to the principles of freedom, equality, justice, and opportunity for all. Today's students will be better citizens in the future if they learn more about that history and about the skills needed to participate in our democracy. The American History and Civics Achievement Act is an important effort to reach that goal, and I urge my colleagues to support it.

By Mr. HARKIN (for himself and Ms. SNOWE):

S. 1415. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished Senator from Maine, Ms. SNOWE, to introduce the Cancer Screening, Treatment an Survivorship Act of 2007.

Last summer, Lance Armstrong came to Iowa to testify at a field hearing on cancer research. He is a national hero for winning the Tour de France 7 years in a row. But he has become a national treasure as America's No. 1 advocate for cancer research, detection, and treatment. I deeply appreciate his advocacy and tireless efforts to fight this disease. Lance is one of the millions of people across America who has been touched by cancer.

The bill I am introducing today is personal with me. I have lost 4 of my 5 siblings to cancer. And, with better detection and screenings, perhaps my siblings would have had a better outcome.

I believe passionately in doing our best to prevent cancer, by encouraging appropriate lifestyle choices. But I am equally passionate about the need to do a better job of detecting cancer as early as possible, so we have a better chance of beating it.

And that is the aim of the Cancer Screening, Treatment, and Survivorship Act of 2007. We have simple goals: To detect cancer earlier. To reduce cancer mortality rates. To improve the quality of life for those diagnosed with cancer. And, yes, to save health care dollars.

As I said, my hope is that the bill we are introducing today will take us to the next level and begin addressing survivorship and people that are living with this chronic disease. Together, we can work to improve the quality of life for those diagnosed with cancer and save lives. I look forward to working with my colleagues to ensure that this legislation is passed and signed into law.

Ms. SNOWE. Mr. President, today I am pleased to join my colleague, Senator HARKIN of Iowa, to introduce the Cancer Screening, Treatment and Survivorship Act of 2007. This legislation will help us to realize a long-held vision—to see cancer conquered within our lifetimes.

Today nearly half of all Americans can expect to suffer from an invasive form of cancer. So it is indisputable that cancer research, screening, and treatment should continue to be a high public health priority. Many have called for an elimination of cancer death and suffering by 2015, and I supported that ambitious goal along with 91 of my Senate colleagues. Yet it is concrete action which is required if we are to make progress towards that objective.

Indeed, we have already seen remarkable progress in the diagnosis and treatment of cancer. Today, for example, more women are surviving breast cancer. Early diagnosis and modern treatments are saving lives. We have even seen that drug treatment can substantially reduce the recurrence of breast cancer.

And it is the strides which we have made in scientific discovery is fueling those advances. Senator HARKIN and I both worked to support the doubling of NIH funding—and the landmark work to map the human genome—and today we sit poised to make the progress of which generations have dreamed.

Yet, no matter what we learn, no matter what cures are developed—without access to screening and treatment, no cure is possible. And if one does not even know that the need for cure exists, no action can be taken. So cancer is one of a number of areas where we see stark disparities in health.

That is why I have joined with Senator HARKIN to introduce this legislation. As co-chairs of the Senate Prevention Coalition, we recognize that if we are to fundamentally improve both the quality and the cost of health care, we cannot continue to use a band-aid approach. Indeed to address illness late is only to increase the risk that individuals will not survive, and that we will provide only the most expensive tertiary care.

So we need a new approach—a new mind set. Part of that is prevention, but not just prevention of the disease, but also avoidance of the negative consequences of disease.

In no case is this so clear as with cancer. Because we know that early detection is so crucial to successful treatment, and this legislation recognizes that.

Under our legislation we will see cancer screening extended to those who today, too often are without such care. This act would provide grants to states to employ screening programs to detect cancer early—when it is most treatable. Under our legislation, the HHS Secretary will examine those diagnostics which meet the standards of the U.S. Preventive Services Task Force and select those with highest promise in order to see that we can reduce the toll of cancer.

Those receiving grants will see that the public's awareness of screenings improves, that health professionals receive additional training in cancer detection and control, and that as new and better diagnostics are developed, Americans will have access to those advances without regard to their inability to pay. That is the first step in reducing the toll of cancer.

Those who do receive a positive diagnosis as a result of this act will obtain treatment referrals, and states will have the option to provide treatment to those individuals without access to care under Medicaid. States which elect to do so would receive an enhanced Federal match to provide the very treatment which we know not only saves lives, but reduces costs as well.

I know that some will argue that we cannot afford to add additional coverage to Medicaid. Yet to that I must answer that without coverage, many will simply see their disease progress, and ultimately end up Medicaid-eligible—but at a point when therapy is so much less effective. The cost of such deferral of care in both lives and health expenditures is enormous. So I hope that many states will elect to cover treatment, just as many already have for those women screened under the Breast and Cervical Cancer Screening program today.

This is a milestone moment, because today we begin to move forward in how we address cancer—giving the HHS Secretary the authority to work in cooperation with the states to see that we work to see every American has access to screening and treatment for cancer.

The step we are taking forward today is the product of so much work through the years. And this week, as cancer advocates—including Lance Armstrong and representatives of his foundation—press for action to achieve our vision of ending cancer in our lifetime, I am heartened by the promise before us.

I hope my colleagues will join us in support of this legislation so we may soon achieve the vision of our long war on cancer.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 203—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO USE ITS UNIQUE INFLUENCE AND ECONOMIC LEVERAGE TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

Mr. MENENDEZ (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. CASEY, Mr. LIEBERMAN,

Ms. MIKULSKI, Mrs. DOLE, Ms. COLLINS, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 203

Whereas since the conflict in Darfur, Sudan began in 2003, hundreds of thousands of people have been killed and more than 2,500,000 displaced as a result of the ongoing and escalating violence;

Whereas on July 23, 2004, Congress declared, ''the atrocities unfolding in Darfur, Sudan, are genocide'' and on September 23, 2004, then Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that, ''genocide has occurred and may still be occurring in Darfur,'' and ''the Government of Sudan and the Janjaweed bear responsibility'';

Whereas on October 13, 2006, the President signed the Darfur Peace and Accountability Act (Public Law 109–344), which identifies the Government of Sudan as complicit with the forces committing genocide in the Darfur region and urges the President to, ''take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues'';

Whereas President George W. Bush declared in a speech delivered on April 18, 2007, at the United States Holocaust Memorial Museum that no one ''can doubt that genocide is the only word for what is happening in Darfur–and that we have a moral obligation to stop it'';

Whereas the presence of approximately 7,000 African Union peacekeepers has not deterred the violence and the increasing attacks by the Government-sponsored Janjaweed militia and rebel groups.

Whereas the Government of Sudan continues to refuse to allow implementation of the full-scale peacekeeping mission authorized under United Nations Security Council Resolution 1706;

Whereas former United Nations Secretary-General Kofi Annan subsequently negotiated a compromise agreement with the Government of Sudan for a hybrid United Nations-African Union peacekeeping mission to be implemented in three phases;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan and continues to strengthen these ties in spite of the on-going genocide in Darfur, as evidenced by the following actions:

(1) China reportedly purchases as much as 70 percent of Sudan's oil;

(2) China currently has at least $3,000,000,000 invested in the Sudanese energy sector, for a total of $10,000,000,000 since the 1990s;

(3) Sudan's Joint Chief of Staff, Haj Ahmed El Gaili, recently visited Beijing for discussions with Chinese Defense Minister Cao Gang Chuan and other military officials as part of an eight-day tour of China; Cao pledged closer military relations with Sudan, saying that China was ''willing to further develop cooperation between the two militaries in every sphere'';

(4) China has reportedly cancelled approximately $100 million in debt owed by the Sudanese Government; and

(5) China is building infrastructure in Sudan and provided funds for a presidential palace in Sudan at a reported cost of approximately $20,000,000;

Whereas given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept United Nations peacekeepers to join a hybrid United Nations-African Union peacekeeping mission;

Whereas the President's Special Envoy to Sudan, Andrew S. Natsios, further said in testimony on April 11, 2007, that ''China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution'';

Whereas the Government of the People's Republic of China has previously influenced the Government of Sudan to take steps toward reducing violence and conflict by—

(1) abstaining from, and choosing not to obstruct, several important votes in the United Nations Security Council on resolutions related to Sudan, including Resolution 1556, which demanded Sudan disarm militias in Darfur, and Resolution 1706, which called for the deployment of additional United Nations peacekeepers, including up to 17,300 military personnel and up to 3,300 civilian police;

(2) helping to facilitate the Addis Ababa framework reached on November 16, 2006, which provides for a joint United Nations-African Union peacekeeping force;

(3) sending high-level delegations, including Chinese President Hu Jintao, to Sudan, and encouraging President Bashir to show flexibility and allow the joint United Nations-African Union peacekeeping force to be deployed;

(4) making frequent public statements that the Government of Sudan must carry out agreements made within the Addis Ababa framework of November 2006 to admit United Nations peacekeepers to join the United Nations-African Union peacekeeping force in Darfur;

(5) pledging to provide military engineers to support African Union peacekeeping forces in Darfur; and

(6) announcing on May 10, 2007, the appointment of a senior diplomat as China's special representative on African affairs who is to focus specific attention on the Darfur issue.

Whereas due to its vast population, its rapidly growing global economy, its large research and development investments and military spending, its seat as a permanent member of the United Nations Security Council and on the Asia-Pacific Economic Cooperation, China is an emerging power that is increasingly perceived as a leader with significant international reach and responsibility;

Whereas in November 2006, China hosted its third Forum on China-Africa Cooperation with more than 40 heads of state in attendance and which focused heavily on trade relations and investment on the African continent as it is expected to double by 2010;

Whereas China is preparing to host the Olympic Summer Games of 2008, the most honorable, venerated, and prestigious international sporting event;

Whereas China should be held accountable to act consistently with the Olympic standard of preserving human dignity in Darfur, Sudan and around the world; and

Whereas China has been reluctant to use its full influence to improve the human rights situation in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the close relationship between China and Sudan and strongly urges the Government of the People's Republic of China to use its full influence to—

(A) urge the President of Sudan, Omar al-Bashir, to allow a robust peacekeeping force as described in United Nations Security Council Resolution 1706;

(B) call for Sudanese compliance with United Nations Security Council Resolutions 1556 and 1564, and the Darfur Peace Agreement, all of which demand that the Government of Sudan disarm militias operating in Darfur;

(C) call on all parties to the conflict to adhere to the 2004 N'Djamena ceasefire agreement and the recently-agreed United Nations communiqué which commits the Sudanese Government to improve conditions for humanitarian organizations and ensure they have unfettered access to the populations they serve;

(D) emphasize that there can be no military solution to the conflict in Darfur and that the formation and implementation of a legitimate peace agreement between all parties will contribute toward the welfare and stability of the entire nation and broader region;

(E) urge all rebel groups to unify and assist all parties to come to the negotiating table in good faith;

(F) urge the Government of southern Sudan to play a more active role in pressing for legitimate peace talks and take immediate steps to support and assist in the revitalization of such talks along one single coordinated track;

(G) engage collaboratively in high-level diplomacy and multilateral efforts toward a renewed peace process; and

(H) join the international community in imposing economic and other consequences on the Government of Sudan if that Government continues to carry out or support attacks on innocent civilians and frustrate diplomatic efforts; and

(2) recognizes that the spirit of the Olympics, which is to bring together nations and people from all over the world in peace, is incompatible with any actions, directly or indirectly, supporting acts of genocide.

Mr. MENENDEZ. Mr. President, as I rise today to talk about the genocide in Darfur, I ask myself: How long will we wait until we invoke real sanctions on the Sudan? How long will we wait until a hybrid African Union/United Nations peacekeeping force is in place? And how many more reports must we read about how the African Union troops are overstretched, underfunded, and ill-equipped before the international community provides them with the support they need to be effective?

How many more people from Darfur must be driven from their homes and forced to give up their livelihoods before the world says enough is enough? How many more hundreds of thousands of people must die before we do everything—everything—in our power to stop the atrocities? When will we give real meaning to our commitment to the phrase ''never again?''

After 4 years, hundreds of thousands of Darfurians killed, more than 2.5 million people displaced, and some 80,000 people in Darfur who have spilled into refugee camps this year alone, it is time that we act more strategically and effectively to stop the genocide in Darfur.

Despite our efforts thus far, it is clear that we have seen no real change for the people of Darfur who continue to be attacked and killed. It is time to stop wringing our hands. We must take a hard look at our current policy and ask ourselves: Why, after years of international engagement, has the genocide not stopped in Darfur, and what can we do differently now?

The simple answer is: We must deal with Darfur's economic lifeline, China. Right now, China has unique ties, influence, and leverage over the Sudanese Government. Here we see the Chinese Prime Minister meeting with the Sudanese President in Beijing, the capital of China.

China has unique ties, influence, and leverage over the Sudanese Government. Because of China's close economic relationship with Khartoum, Sudan is able to expand its infrastructure, increase its defense budget, and profit from its oil exports. It is time to diminish the strength of this lifeline.

Over the last decade we have watched China and Sudan forge a strong economic partnership. We have here, as I said, a picture of the Chinese Premiere meeting with the Sudanese President last November. China currently has at least $3 billion invested in the Sudanese energy sector for a total of $10 billion since the 1990s.

China reportedly buys as much as 70 percent of Sudan's oil. They recently canceled over $100 million in Sudanese debt, and they are building vast infrastructure and new government offices for Sudan.

China has even committed to providing funds so that Khartoum can build a new $20 million Presidential palace. A Presidential palace.

The fact is, with China as their friend, the impact of international action against the Sudanese Government has been diluted, and the genocide has continued. Because of China's investment and attention, Sudan has reportedly been able to double—double—its defense budget. In fact, according to the Heritage Foundation, Sudan is spending between 60 percent to 80 percent of its oil revenue, its national treasure, on what? On weapons.

A report by Amnesty International released last week concluded that these weapons come from—guess where—China, which has continued its arms sales to the Sudanese Government despite the March 2005 arms embargo imposed by the United Nations Security Council.

Simply put, Chinese investment fuels the atrocities taking place in Darfur. It is time that China uses its power and influence over Khartoum to do more than fill its own pocketbook. China is an emerging power on the world stage, and it is time they act accordingly with this responsibility.

Because of their close economic ties with the Sudan, China is in the position to significantly influence Khartoum, and it must use its clout to convince President Bashir to allow a hybrid African Union/United Nations peacekeeping force into Darfur.

This is one of the most pressing actions to help stop the genocide in Darfur. Last year, Chinese President Hu mentioned the peacekeeping with Sudan's President when the two met in Khartoum. But talk is cheap. It is time for real action.

As John Prendergast, the senior adviser to the International Crisis Group, said a few weeks ago in testimony before Congress, ''Barking without biting is the diplomatic equivalent of giving comfort to the enemy.''

Now is the time to bite. Now is the time for China to use the full weight of its economic influence to change Khartoum's policies. Now, I know China has taken some positive steps in the past to address the crisis in Darfur. They helped facilitate the Addis Ababa framework in November of 2006; they have pledged to provide military engineers to support African Union peacekeepers in Darfur; and they have appointed a special Africa envoy to focus on Darfur.

While we are certainly happy to see those positive measures, I am still concerned that China will continue its habit of taking small steps each time the international community turns up the heat but will not take major steps that will affect Darfur in the long run.

The simple fact is, China needs to do more to be actively involved in the solution. Next year, we will see China take center stage when it hosts the 2008 Olympic games. Frankly, I find it shocking that China is going to host an Olympics under the theme ''One World and One Dream'' while they help fuel the economy of a nation that has allowed genocide to ravage its country for some 4 years.

This is certainly not the ''One World One Dream'' we share. That is why today I am introducing a bipartisan resolution with Senator BROWNBACK, Senator FEINGOLD, and others, a version of which is also being introduced in the House, to let China know that as much as it cherishes its Olympic moment, the country should be held accountable to act consistently with the Olympic standard of preserving human dignity around the world, including in Darfur.

The resolution recognizes that the spirit of the Olympics, which is to bring nations and people from all over the world in peace, is incompatible with any actions to support acts of genocide. This legislation specifically calls on China to use its full influence to urge the President of Sudan to allow a robust peacekeeping force into Darfur; to comply with past United Nations Security Council resolutions and the Darfur Peace Agreement, which demand that the Government of the Sudan disarm militias in Darfur; and to improve the conditions for humanitarian organizations.

It also calls on all parties involved in the conflict to adhere to the 2004 ceasefire agreement and to work toward a legitimate peace deal.

This resolution I am submitting is only a first step. It is an invitation to the Chinese Government to take more of an initiative to set President Bashir on a straight path and allow a hybrid African Union/United Nations force into the country. I hope China takes this opportunity to act now, and that they understand Congress will be watching very closely to see what they actually do.

Our message for today is clear. We need to see real progress from China on this issue. We need to see it now. Along with stronger measures by the Chinese Government, the United States must continue in its efforts to end the genocide in Darfur.

After threatening more punitive measures for months, the administration must stop talking about what they define as plan B, which is more significant sanctions, and start enacting plan B. If we were stuck in the refugee camps in Darfur in the Sudan, being attacked by the jinjaweit, with our children slaughtered, seeing women raped, who among us would be content with those who counsel patience and delay?

Plan B's tightening sanctions against Sudan, targeting individuals responsible for the atrocious acts, and negotiating a new United Nation's Security Council resolution is the right thing to do now.

Finally, the fact is, the situation in Darfur is a timebomb that could explode at any moment. The humanitarian crisis has become ever more perilous. As we speak today, the number of dead and displaced persons continues to grow, and women and young girls continue to be raped. The refugee crisis continues to worsen. This year alone, at least 80,000 people in Darfur have spilled into refugee camps. The atrocities against these innocent refugees are no longer contained within Sudan, as refugees spill across borders into eastern Chad and the Central African Republic. The lives of these millions of displaced persons hang in a delicate balance between life and death. The world's largest humanitarian effort has been keeping that balance from tipping completely toward death.

The new United Nations Humanitarian chief, John Holmes, has warned that if the situation does not get better or if there are more serious incidents involving humanitarian workers, some organizations could start to withdraw and the humanitarian operation could start to unravel. I am deeply concerned we could soon begin to witness a catastrophic collapse of the humanitarian aid effort. Several international aid agencies, including the British group Oxfam, Save the Children Spain, and the United States-based Mercy Corps, reported in April that they were temporarily suspending their work in Darfur because of attacks. They reported attacks on their operations had increased over the past 3 weeks. Soon only a small number of aid workers may be left in this region, which could result in unimaginable destruction and death. Who would be there to protect these innocent victims? The overstretched and inadequately funded African Union Mission in Sudan?

Recently, chairperson of the African Union Commission said that if the current trend continues, the peacekeeping operation in Darfur will be in serious jeopardy. In reality, the African Union Mission may already be in deep jeopardy. According to a Washington Post article published last Sunday:

The African Union's first major peacekeeping mission—once considered the last line of defense for Darfur civilians—has been crippled by funding and equipment shortages, government harassment and an upsurge in armed attacks by rebel forces that last month left seven African troops dead.

The setbacks have sapped morale among peacekeepers, many of whom have not been paid for months. It has also compelled the force—which numbered 7,000 troops at its peak—to scale back its patrols and has diminished its capacity to protect civilians, aid workers and its own peacekeepers.

Simply put, the African Union force alone cannot end the violence in Darfur.

That is why it is imperative that the international community, with the explicit help of the Chinese Government, convince Sudan to allow a hybrid African Union-United Nations peacekeeping force into Darfur. Unfortunately, Khartoum continues to be complicit in allowing the destruction to continue. A recent United Nations report, described in the New York Times, detailed how the Government of Sudan is flying arms and heavy military equipment into Darfur in clear violation of Security Council resolutions. Even more egregious, the report describes how the Sudanese Government is painting their military planes white to disguise them as United Nations or African Union aircraft. President Bashir has toyed with the international community for long enough. Time and time again he has balked at agreements and promises. Time and time again he has manipulated the international community with last-minute agreements that he reneges on only a minute later. It is time for the games to end.

Because in this respect, silence in the face of genocide is complicity, we must continue to speak out. ''Never again'' is an empty promise if we do not take action to stop the murder of innocent people when we know it is happening. Once again, we find ourselves in a position to make that choice. We must choose to exhaust all options until our collective voices are heard and murder ends. We must convince China to use its power and influence over Khartoum to do more than fill its own pocketbook. We must ensure that rather than standing here a year from now talking about ending genocide in Darfur, we are celebrating a peaceful solution to the 21st century's first, and hopefully last, genocide.

We must choose—I urge members of the Senate to join us in this regard—to make sure that when we say ''never again,'' we mean never again.

SENATE RESOLUTION 204—EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE IMPORTANCE OF NATIONAL WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND WHICH ENCOURAGES WOMEN TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. CARDIN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. SANDERS, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. BROWN, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. 204

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian and Pacific Islander women, Latinas, and American Indian and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas it is recognized that the Offices of Women's Health within the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration, the Office on Women's Health of the Department of Health and Human Services, the Office of Research on Women's Health of the National Institutes of Health, and the Women's Health Program of the Agency for Healthcare Research and Quality provide critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2007, the week of May 13 through May 19 is dedicated as National Women's Health Week:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

SENATE RESOLUTION 205—DESIGNATING JUNE 2007 AS ''NATIONAL INTERNET SAFETY MONTH''

Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. STEVENS, Mr. VITTER, Mr. CRAIG, Mrs. HUTCHISON, Mr. CRAPO, Mr. BAUCUS, Mr. LEAHY, Mr. LIEBERMAN, Mr. OBAMA, Ms. LANDRIEU, Mr. COLEMAN, Mr. BAYH, Mrs. LINCOLN, Mr. SCHUMER, Mr. THUNE, and Mr. DOMENICI) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 80 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 41 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 20 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 23 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as ''National Internet Safety Month'';

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to

authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1137. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1097 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 1139. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. BAUCUS, Mrs. BOXER, Mr. TESTER, Mr. SMITH, Ms. CANTWELL, Mrs. MURRAY, Mr. DOMENICI, Mr. CRAIG, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1140. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1141. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 1142. Mr. BOND (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1143. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1144. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1145. Mrs. BOXER (for herself and Mr. INHOFE) proposed an amendment to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra.

TEXT OF AMENDMENTS

SA 1136. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was order4ed to lie on the table; as follows:

On page 200, line 22, insert ''**, NEW MEXICO,**'' after ''**MISSOURI**''.

On page 201, line 17, insert '', New Mexico,'' after ''Missouri''.

On page 202, between lines 19 and 20, insert the following:

(6) Rio Grande Floodway, Albuquerque Unit, New Mexico.

On page 202, line 25, strike ''$50,000,000'' and insert ''$150,000,000''.

SA 1137. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1097 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 strike all from section 5 to the end and insert the following:

SEC. 5 REDUCTION OF FORCES

The Secretary of Defense shall commence the reduction of the number of United States Armed Forces in Iraq not later than October 1, 2007, with a goal of completing such reduction within 180 days. The goal of completing such reduction shall be accelerated if the President is unable to report that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a) (1) of Section 4 by October 15, 2007.

(b) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of the Armed Forces in Iraq.

(c) The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) After the conclusion of the reduction required by this section, the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

SA 1138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike lines 7 through 15 and insert the following:

SEC. 3301. The Secretary is authorized and directed to reimburse local governments for expenses the governments have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, on the condition that the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms, and high water events and the flood control plan for the area.

SA 1139. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. BAUCUS, Mrs. BOXER, Mr. TESTER, Mr. SMITH, Ms. CANTWELL, Mrs. MURRAY, Mr. DOMENICI, Mr. CRAIG, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2201 of division B and insert the following:

SEC. 2201. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $526,079,656 for fiscal year 2007;

''(B) $520,000,000 for fiscal year 2008; and

''(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of '**FOREST SERVICE**' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

''(B) for fiscal year 2007, any funds appropriated to carry out this Act; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2007—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

''(B) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(C) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(D) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974l (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2007, 25 percent.

''(ii) For fiscal year 2008, 35 percent.

''(iii) For fiscal year 2009, 45 percent.

''(iv) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory

committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project

funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

''(b) EMERGENCY DESIGNATION.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''**FOREST SERVICE**'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

''§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the amendment made by paragraph (1)—

(i) shall be treated under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as changing direct spending or receipts, as appropriate (as if such language were included in an Act other than an appropriations Act); and

(ii) shall be treated in the baseline after fiscal year 2008 for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as if Payment in Lieu of Taxes (14-1114-0-1-806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(B) EFFECTIVE DATE.—This paragraph shall—

(i) be effective beginning on the date of enactment of this Act; and

(ii) remain in effect for any fiscal year for which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

(d) MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

''(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(e) APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

(1) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be

a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

''(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

''(A) IN GENERAL.—If—

''(i) paragraph (1) does not apply to a foreign corporation, but

''(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

''(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

''(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

''(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

''(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

''(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2006.

SA 1140. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3_____. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SA 1141. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IRAQ.

(a) UNITED STATES STRATEGY IN IRAQ.—The United States strategy in Iraq, hereafter, shall be conditioned on the Government of Iraq meeting benchmarks including the following:

(1) Whether the Government of Iraq has given United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias, and is making substantial progress in delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference; intensifying efforts to build balanced security forces throughout Iraq that provide evenhanded security for all Iraqis; ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces; eliminating militia control of local security; establishing a strong militia disarmament program; ensuring fair and just enforcement of laws; establishing political, media, economic, and service committees in support of the Baghdad Security Plan; and eradicating safe havens.

(2) Whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydro-carbon law; adoption of legislation necessary for the conduct of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

(3) Whether the Government of Iraq and United States Armed Forces are making substantial progress in reducing the level of sectarian violence in Iraq.

(4) Whether the Government of Iraq is ensuring the rights of minority political parties in the Iraqi Parliament are protected.

(b) REPORTS ON PROGRESS IN IRAQ.—On July 15, 2007, the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq on the matters set forth in subsection (a). The Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall submit a subsequent joint report to Congress on such matters on September 15, 2007.

(c) REQUESTS FOR FUNDS FOR FISCAL YEARS AFTER FISCAL YEAR 2008.—(1) Any request for funds for a fiscal year after fiscal year 2008 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.

(2) Any request for funds for a fiscal year after fiscal year 2008 for ongoing military operations in Iraq and Afghanistan should provide an estimate of all funds required in that fiscal year for such operations.

(3) Any funds provided for ongoing military operations in Iraq and Afghanistan should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(d) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), of the amounts appropriated or otherwise made available by this Act, or by any other Act that remain available for obligation as of the date of the enactment of this Act, for assistance for Iraq under the headings ''ECONOMIC SUPPORT FUND'' and ''INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT'', an amount equal to 75 percent of such amounts may not be obligated until the President certifies to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a).

(2) The requirement to withhold funds from obligation pursuant to paragraph (1) shall not apply with respect to funds appropriated or otherwise made available under the heading ''ECONOMIC SUPPORT FUND'' for continued support for—

(A) the Community Action Program and the Community Stabilization Program in Iraq administered by the United States Agency for International Development; or

(B) programs and activities to promote democracy and human rights in Iraq.

SA 1142. Mr. BOND (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 14, strike ''$153,300,000'' and insert ''$173,300,000''.

On page 110, line 20, insert after ''division'' the following: '': *Provided further*, That not less than $20,000,000 of the amount made available under this heading shall be used for Corps of Engineers projects to support emergency operations, repairs, and other activities in the Midwest in response to storm damage in that region that occurred during May 2007''.

SA 1143. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title V of division A, insert the following:

SEC. 5613. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January

1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPINOFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term ''adjusted unfunded benefit liabilities'' means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term ''fractional portion'' means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term ''applicable pension plan'' means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term ''allocable portion'' means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An ''eligible employer'' is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

SA 1144. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3_____. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SA 1145. Mrs. BOXER (for herself and Mr. INHOFE) proposed an amendment to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 43, line 13, insert '', subject to section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183)'' before the period at the end.

On page 48, strike lines 22 through 25 and insert the following:

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

On page 54, line 6, strike ''for participation in'' and insert ''for the 100-year level of flood protection, in accordance with''.

On page 57, between lines 23 and 24, insert the following:

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2001).

Beginning on page 58, strike line 11 and all that follows through page 60, line 3, and insert the following:

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter

112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading ''INVESTIGATIONS'' under chapter 3 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. 453).

(ii) INCLUSIONS.—At a minimum, the report under clause (i) shall include—

(I) a comprehensive plan to deauthorize navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247); and

(VI) consideration of—

(aa) use of native vegetation; and

(bb) diversions of fresh water to restore the Lake Borgne ecosystem.

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

On page 64, after line 23, insert the following, and redesignate the subsequent paragraphs accordingly:

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

Strike section 3003 and insert the following:

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944), is amended by striking subsections (a) and (b) and inserting the following:

''(a) CONSTRUCTION OF NEW FACILITIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) EXISTING FACILITY.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

''(B) PARCEL.—The term 'Parcel' means the land owned by the Federal Government in the City of Tuscaloosa, Alabama, as in existence on the date of enactment of the Water Resources Development Act of 2007.

''(2) AUTHORIZATION.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized—

''(A) to purchase land on which the Secretary may construct a new maintenance facility, to be located—

''(i) at a different location from the existing facility; and

''(ii) in the vicinity of the City of Tuscaloosa, Alabama;

''(B) at any time during or after the completion of, and relocation to, the new maintenance facility—

''(i) to demolish the existing facility; and

''(ii) to carry out any necessary environmental clean-up of the Parcel, all at full Federal expense; and

''(C) to construct on the Parcel a new administrative facility.

''(b) ACQUISITION AND DISPOSITION OF PROPERTY.—The Secretary—

''(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

''(2) shall convey to the City of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

''(A) sale at fair market value;

''(B) exchange of other Federal land on an acre-for-acre basis; or

''(C) another form of transfer.''.

At the appropriate place in title III, insert the following:

SEC. 3_____. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000.

At the appropriate place in title III, insert the following:

SEC. 3_____. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

At the appropriate place in title III, insert the following:

SEC. 3_____. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking ''$5,000,000'' and inserting ''$9,000,000''.

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).

At the appropriate place in title III, insert the following:

SEC. 3_____. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

At the appropriate place in title IV, insert the following:

SEC. 4_____. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a watershed study of the Mohawk River watershed, Oneida County, New York, with a particular emphasis on improving water quality and the environment.

(b) RECOMMENDATIONS.—In conducting the study under subsection (a), the Secretary shall take into consideration impacts on the Sauquoit Creek Watershed and the economy.

At the appropriate place in title IV, insert the following:

SEC. 4_____. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

Strike section 4028 (relating to Jasper County port facility study, South Carolina) and insert the following:

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of

Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

Strike paragraph (1) of section 5010(a) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia) and insert the following:

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

In paragraph (1) of section 5010(e) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia), strike ''Potomac River Basin Commission'' and insert ''Interstate Commission on the Potomac River Basin''.

In section 5011(a) (relating to the Anacostia River, District of Columbia and Maryland), strike ''1 year'' and insert ''2 years''.

At the appropriate place in title V, insert the following:

SEC. 5_____. COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) USE OF FEDERAL FUNDS BY NON-FEDERAL INTERESTS.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.''.

At the appropriate place in title V, insert the following:

SEC. 5_____. INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

At the appropriate place in title V, insert the following:

SEC. 5_____. GREAT LAKES NAVIGATION.

(a) DEFINITION OF GREAT LAKES AND CONNECTING CHANNELS.—In this section, the term ''Great Lakes and connecting channels'' includes—

(1) Lakes Superior, Huron, Michigan, Erie, and Ontario;

(2) any connecting water between or among those lakes that is used for navigation;

(3) any navigation feature in those lakes or water the operation or maintenance of which is a Federal responsibility; and

(4) any area of the Saint Lawrence River that is operated or maintained by the Federal Government for navigation.

(b) NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging to authorized project depths, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation.

At the appropriate place in Title II, insert the following:

SEC. 2 ___. PROJECT DEAUTHORIZATION.

Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 597a) is amended as follows:

(1) In the first sentence by striking ''two years'' and inserting ''year'',

(2) In the last sentence by striking ''30 months after the date'' and inserting ''the last date of the fiscal year following the fiscal year in which'', and

(3) In the last sentence by striking ''such 30 month period'' and inserting ''such period''.

On page 60, between lines 16 and 17, insert the following:

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2447), could (1) address an imminent threat to life and property; (2) prevent a dangerous storm surge from reaching a populated area; (3) prevent the loss of coastal areas that reduce the impact of storm surge; (4) benefit national energy security; (5) protect emergency hurricane evacuation routes or shelters; or (6) address inconsistencies in hurricane protection standards, the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning after December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairman of the Committee on Environment and Public Works of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce the proposal as a bill, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, [as applicable.]

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—If a Committee fails to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill introduced under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill introduced under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 9:30 a.m. to mark up an original bill entitled Foreign Investment and National Security Act of 2007; an original bill to make technical corrections to title III of SAFETEA–LU; H.R. 1675, Preservation Approval Process Improvement Act of 2007; H.R. 1676, Native American Home Ownership Opportunity Act of 2007; S. 254, a bill to award posthumously a Congressional Gold Medal to Constantino Brumidi; an original bill entitled the International Emergency Economic Powers Enforcement Act of 2007; and to vote on the nominations of Mr. David George Nason, of Rhode Island, to be Assistant Secretary of the Treasury for Financial Institutions; Mr. Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration; Mr. Michael W. Tankersley, of Texas, to be Inspector General of the Export-Import Bank of the United States; Mr. Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development; Ms. Janis Herschkowitz, of Pennsylvania, to be a member of the board of directors of the National Consumer Cooperative Bank; Mr. David George Nason, of Rhode Island, to be a member of the board of directors of the National Consumer Cooperative Bank; and Dr. Nguyen Van Hanh, of California, to be a member of the board of directors of the National Consumer Cooperative Bank.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, May 16, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this meeting will be to consider and approve S. 1300, S. 694, the nomination of David James Gribbin, IV, to be General Counsel of the United States Department of Transportation, and nominations for promotion in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''U.S. Preference Programs: How well do they work?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to conduct a hearing entitled, ''Rogue Online Pharmacies: The Growing Problem of Internet Drug Trafficking'' on Wednesday, May 16, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness list: Francine H. Haight, Founder of Ryan's Cause, Laguna Niguel, CA; Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Arlington, VA; Joseph A. Califano, Jr., Chairman and President, National Center on Addiction and Substance Abuse at Columbia University, Former Secretary of Health, Education and Welfare, New York, NY; Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School, Former Deputy U.S. Attorney General, Cambridge, MA; Thomas McClellan, Ph.D., Executive Director, Treatment Research Institute, University of Pennsylvania, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup of S. 1256 ''Small Business Lending Reauthorization and Improvements Act of 2007'' on Wednesday, May 16, 2007, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be auhorized to meet during the session of the Senate on Wednesday, May 16, 2007, to hold a hearing on the nomination of Dr. Michael J. Kussman to be Under Secretary for Health of the Department of Veterans Affairs. The hearing will take place in room 562 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''Are the Explosive Costs of Elder Care Hurting Family Finances and Business Competition?, in room 216 of the Hart Senate Office Building, Wednesday, May 16, 2007, from 9:30 a.m. to 12 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, May 16, 2007, from 10:30 a.m. to 12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing regarding Medicare Advantage, Marketing, and Sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

Agenda

''The State of Mercury Regulation, Science, and Technology.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that Jenny Lee, who is on detail from ICE with me, for the duration of the immigration reform debate, be granted floor privileges for the remainder of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 79, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 79) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 79) was agreed to.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 123, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 123) authorizing the use of the Capitol grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 123) was agreed to.

NATIONAL WOMEN'S HEALTH WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 204, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) expressing the sense of the Senate with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian and Pacific Islander women, Latinas, and American Indian and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas it is recognized that the Offices of Women's Health within the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration, the Office on Women's Health of the Department of Health and Human Services, the Office of Research on Women's Health of the National Institutes of Health, and the Women's Health Program of the Agency for Healthcare Research and Quality provide critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2007, the week of May 13 through May 19 is dedicated as National Women's Health Week:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

NATIONAL INTERNET SAFETY MONTH

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 205, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) designating June 2007 as ''National Internet Safety Month.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2007 as National Internet Safety Month.

The Internet has become one of the most significant advances in the twentieth century and, as a result, it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solutions—such as Internet safety curricula for grades kindergarten through 12—been more critical and readily at hand.

Mr. President, i–SAFE America is one nonprofit organization that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, i–SAFE America educates youth in all 50 states, Washington, DC, and Department of Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 35 million school-aged children have Internet access. Eighty percent of middle and high school students are online for at least one hour per week.

An alarming statistic is that 61 percent of middle and high school youths admit to using the Internet unsafely or inappropriately. Furthermore, at least 20 percent of these students have met face-to-face with someone they first met online and 23 percent of these students know of someone who has been bullied online.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 80 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 41 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 20 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 23 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as ''National Internet Safety Month'';

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILDREN AND FAMILIES DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of and the Senate now proceed to H. Con. Res. 62.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 62) supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 62) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 1415

Ms. CANTWELL. Mr. President, I understand that S. 1415, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1415) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

Ms. CANTWELL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that if cloture is invoked on the Reid-McConnell amendment No. 1123, then all other amendments and motions be withdrawn; the substitute amendment be agreed to; the bill be read a third time and the Senate then immediately vote on final passage; that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees; with the preceding all occurring without intervening action or debate.

I further ask unanimous consent that upon the disposition of H.R. 2206, the Senate begin debating the conference report on the budget resolution, notwithstanding the receipt of papers; that the time until 3 p.m. be equally divided between Senators CONRAD and GREGG or their designees; that at 3 p.m., the Senate vote on passage of the conference report, notwithstanding the receipt of papers; provided the House has adopted the conference report by that time. If the House has not acted by that time, the Senate vote be delayed until the House has adopted the conference report. I further ask unanimous consent that if the House does not act on Thursday, May 17, then there remain 1 hour each for the chairman and ranking member to use prior to the vote on the conference report whenever the Senate does consider the conference report and that it be in order to consider it notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION WITHDRAWN—H.R. 2206

Mr. DURBIN. Madam President, I ask unanimous consent that the cloture motion on H.R. 2206 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 17, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Thursday, May 17; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate begin consideration of H.R. 2206, the Emergency Supplemental Appropriations Act, as provided for under a previous order, with the time provided under that order equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATORS BOXER AND INHOFE

Mr. DURBIN. Madam President, let me take this moment as in morning business to salute Senators BARBARA BOXER and INHOFE of Oklahoma for passage of the Water Resources Development Act. If I am not mistaken, it has been 6 years that we have been trying to do this—maybe longer—and this important infrastructure legislation is an example of bipartisan cooperation.

Many people from time to time ask why we spend so much time arguing on the floor of the Senate. I hope they paid close attention to the proceedings of the last week, when Senator BOXER and Senator INHOFE, on a bipartisan basis, managed to pass a critically important bill for the United States of America. I salute them. It is an important bill for my State, the Midwest, and the Nation.

ACTION VITIATED—S. 1415

Mr. DURBIN. Madam President, I ask unanimous consent that the action on S. 1415 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, May 17, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2007:

FEDERAL RESERVE SYSTEM

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998, VICE SUSAN SCHMIDT BIES, RESIGNED.

LARRY ALLAN KLANE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1996, VICE MARK W. OLSON, RESIGNED.

RANDALL S. KROSZNER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2008. (REAPPOINTMENT)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RONALD SPOEHEL, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE GWENDOLYN BROWN, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MIGUEL CAMPANERIA, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE GERARD SCHWARZ, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 1, 2009. (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN D. GRAHAM, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING THE MILITARY FAMILIES OF THE 101ST AIRBORNE DIVISION DURING ''THE WEEK OF THE EAGLES''

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TANNER. Madam Speaker, I rise today to honor the Screaming Eagles of the 101st Airborne Division of the United States Army, based at Fort Campbell, a portion of which I am honored to represent in this chamber. This week marks the biennial celebration known as ''The Week of the Eagles,'' when we acknowledge the immeasurable contributions to our country from the current, veteran and fallen members of the 101st Airborne Division and their families, all of whom have made great personal sacrifices in service to our Nation.

The inspiration for the book and television mini-series ''The Band of Brothers,'' the Screaming Eagles have historically played prominent roles in World War I, World War II, Korea, Vietnam and Desert Storm. They were instrumental in successes in Operation Anaconda, a tough early front in the War on Terrorism in Afghanistan. They have also answered the call of duty repeatedly to serve in Iraq, and many of these courageous men and women will deploy to Iraq again later this year.

The tradition of ''The Week of the Eagles'' began in 1973 when the Screaming Eagles returned home from the Vietnam War and held a community festival to showcase the division's combat readiness. The celebration was resurrected in 1996 by 101st Airborne Division Commander Major General William Kernan to remember those service members who made the ultimate sacrifice in service to the United States Army. We now celebrate ''The Week of the Eagles'' biennially to both honor the fallen troops and their families and showcase the readiness of the 101st Airborne's mighty combat units.

I trust that, even if there is healthy difference of opinion among some of our colleagues and the international community about the civilian leadership of the United States Armed Forces, every member of this body supports those families who are bravely serving our country and is proud of the families of the 101st Airborne Division, whose efforts throughout the division's long and storied history have served our country well.

Madam Speaker, I join you and our colleagues in the House of Representatives in honoring the 101st Airborne Division, thanking the Screaming Eagles and their families for their dedication and patriotism, remembering those 101st Airborne members who have given their lives in service to our country, and recognizing ''The Week of the Eagles.''

IN HONOR OF THE STUDENT GRADUATES OF ORADELL'S D.A.R.E. PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, on Monday, May 14th, I participated in the D.A.R.E. graduation ceremony in Oradell, New Jersey. More than 100 elementary school students participated in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program in Oradell, and I would like to recognize them all for taking this step toward positive citizenship: Rachel Bahng, Shamus Barnes, Edward Caiazzo, Christie Candrilli, Nicole Carney, Estee Chaimson, Christopher Colon, Colleen Dakay, Phillip Giuffre, Kandai Iso, Dana Johnson, Tyler Kane, Kevin Loh, Hayley Murphy, Gerard Quinn, Laura Rivera, Julia Shats, Griffin Suess, Gabriela Valenzuela, Mark Wittkamp, Anna Yasouka, Haylee Alonso, Ashley Anzalone, Esther Bae, Ryan Bauman, Troy Bendian, Thomas Browning, Liam Cameron, Raymond Cannarozzi.

Daniel Christmann, Marissa Conti, Melanie Culha, Conor Davidson, Hunter DeGregorio, Ciara Enright, Jacqueline Galbraith, Daniel Gladston, Kevin Hanrahan, Emily Hyman, Tyler Kallensee, Maria Karim, Emily McGovern, Dillon Ross, Cathy Antonelli, Michael Bruno, Lauren Chagachbanian, Michelle Chakansky, Katie Dantoni, Gianni DaSilva, Sumie Kakehi.

Adam Kunkel, Emily Lewis, David Lo, Robbie Lombardi, Brett Lubben, Kayleen Melvin, Emily O'Boyle, Emily Reynolds, Andrew Rivera, Hannah Schultz, Alissa Settembrino, Sara Starr, Meghana Yarde, Ryan Zaccaria, Chris Bastable, Taylor Bavlitschko, Jack Bertini, Tyler Bisig, Scott Callison, Emily Croonquist, Cami Didio, Sharon Galperin, Gregory Gerbino, Michelle Hao, Colleen Kelly, Natalie Ortega, Michael Santucci, Samantha Sender, Madeline Toohey.

Jessica Toufayan, Melonie Ward, Rebecca Weimer, Austin Williams, Zack Wynne, Kaitlyn Brady, Alexandra Braun, Daniel DaSilva, Kalette deMarrais, Jared Finkel, Ryan Gallow, Rebecca Goldstein, Martin Gross, Sonya Koh, Simon Kramer, Meagan McCorry, Emanuel Nobile, David Pagan, Daniel Ross, Ana Song, Maryssa Spiniella, David Tirelli, Karen Triunfo, Rebecca Wasserman, and Brenna Wiegand.

IN HONOR OF MS. BARBARA KING

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TURNER. Madam Speaker, I wish to acknowledge an outstanding community leader from Ohio's Third Congressional District.

Ms. Barbara King was recently honored as a recipient of the 2006 Community Ambassador Awards, presented by the Dayton/Montgomery County Convention & Visitors Bureau. This prestigious award was given in honor of Ms. King's dedication to her community, and for her efforts in coordinating the Sesquicentennial Conference of the Wilberforce University Alumni Association.

Wilberforce University is the Nation's oldest, private African-American university, and last year this unique institution commemorated its 150th anniversary. Ms. King was recently elected national president of the Wilberforce University Alumni Association, and she chose the city of Dayton as the site for the school's 2006 Alumni Conference.

She was selected for her work in bringing over 400 Wilberforcean alumni and friends to downtown Dayton. Ms. King was selected as a 2006 Community Ambassador by the Dayton/Montgomery County Convention & Visitors Bureau at its 15th Annual Community Ambassador Awards Breakfast.

Ms. King is an active member of the General Daniel ''Chappie'' James American Legion Auxiliary, Unit 776, in Riverside Ohio. She also serves as one of five faculty advisors in the Department of Early Childhood Education, ECE, at Sinclair Community College.

I am pleased to have the opportunity to recognize a remarkable citizen, Ms. Barbara King, for her leadership and dedication to our community, and I congratulate her on receiving this prestigious award.

COPS IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 1700, the Community Oriented Policing Services, or C.O.P.S., Program Reauthorization Act. The bill authorizes appropriations of more than $1.1 billion for community policing, community prosecutors and crime-fighting technology grants. The original mission of this program was simple: put 100,000 more police officers on the beat for policing programs. The brainchild of the Clinton administration, the C.O.P.S. program brought members from both parties together with the goal of reducing crime.

The C.O.P.S. program provides grants to local municipalities for crime fighting technologies and for additional community policing

and has been proven to reduce crime, especially violent crime. A 2005 study by the Government Accountability Office (GAO) concluded that the C.O.P.S. program contributed to a 1.3 percent decline in the overall crime rate and a 2.5 percent reduction in the violent crime rate in 8 years.

But like a patient that stops taking the medication once it starts working, the Bush administration has been taking a step back in law enforcement and homeland security in its effort to gut the program. We must not rest on our laurels and declare, ''Mission Accomplished.'' The President has declared we live in an age of terrorism, and expanding the police force and providing our local and state governments with resources to combat crime and terrorism should remain a priority. But for years, with the backing of the Republican-led Congress, the President has sought to cut or eliminate funding for the program.

In Fiscal Year 2008, the Bush administration is proposing to cut the C.O.P.S. program by over 94 percent compared to 2007. Congress appropriated $542 million for the program in FY07, and the President is proposing only $32 million for FY08. The yearly program funding once peaked at $1.4 billion dollars per year under the Clinton administration. It has resulted in the hiring of nearly 120,000 police officers and has prevented over 200,000 crimes since its inception. In contrast, the Bush administration's proposal offers zero funding for community based prosecutors, zero funding for crime fighting technologies, and only $4 million for policing and public safety grants.

Instead of providing funding for more cops on the beat, the President is handing the C.O.P.S. program a bill for funds unspent in previous years. The $32 million budget request, minus the $87 million the Administration is hoping to get back from the C.O.P.S. program, results in negative funding for community policing. Proponents of weakening the program will attempt to explain that the C.O.P.S. program is duplicative, but a review of the Bush administration's FY08 budget request reveals that the administration also is reducing funding for those other programs as well. It makes no sense to eviscerate the successful C.O.P.S. program or roll it into a block grant, particularly when Department of Justice estimates are showing a rise in crime.

As it seeks to eliminate the C.O.P.S. program, the Bush administration is pursuing a misguided goal. I commend Congressman WEINER (D–NY) for bringing this bill forward today, I strongly support the C.O.P.S. program, and I urge adoption of the legislation.

IN MEMORY OF WILLIAM THOMAS BENNETT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GALLEGLY. Madam Speaker, I rise in memory of my friend, Bill Bennett, who died last week at 84 years young.

I met Bill and his wife, Marty, when I decided to run for Congress more than 20 years ago. We shared a love of politics, a dedication to our communities and country, and a love and dedication to our families.

Born in West Virginia, Bill Bennett came to California while serving in the U.S. Navy. Like many who venture to the Golden State, he fell in love and stayed. After being discharged from the Navy, Bill joined the Los Angeles City Fire Department. It would prove to be one of his long-term commitments. He retired from the Department 31 years later as Assistant Chief, in 1980.

Another of his long-term commitments was to Marty. They married in 1951 and partnered in life for the next 56 years.

In 1965, Bill and Marty moved with their children to Thousand Oaks, which I have represented for the better part of my congressional career. They became involved in their church, Emmanuel Presbyterian, and many other aspects of their community. Bill served on the board of the former Timber School District, Community Leaders Club, Republican Central Committee, Ventura County Grand Jury, Ventura County Planning Committee, Neighborhood Watch, and many other community organizations, for which he was duly recognized. He also became a supporter and friend to me.

At the same time Bill was making his community a better place, he dedicated himself to being a loving father and husband. In addition to Marty, Bill leaves behind daughter, Sue and her husband, Kim Force; daughter, Nancy and her husband, Jim Berg; daughter, Bonnie; and son Tom and his wife, Jane. Bill and Marty also have seven grandchildren, Michael, Christopher, Joshua, Brian, Janelle, Jilee and Justine; and two great-grandchildren, Hannah and Emily.

Madam Speaker, I know my colleagues will join me in remembering William Thomas Bennett as a good friend, a loving family man, and a lover of life, whose talents helped to make our community stronger. In addition, I know they join me in extending our condolences to Marty and their family and to all who called Bill a friend.

Godspeed, Bill.

COPS IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the COPS Reauthorization Act (H.R. 1700). This critical piece of legislation is needed to revitalize the highly successful COPS program and will allow communities in Rhode Island and across the country to hire additional police officers and improve security.

This important initiative was created in 1994 under the Clinton Administration to help local law enforcement agencies hire thousands of additional police officers nationwide. COPS funding has helped police agencies in Rhode Island to hire 385 police officers, and today's measure will allow us to hire an additional 185 officers.

The COPS program takes an innovative approach to aiding local law enforcement agencies through its commitment to community-oriented policing and has proven successful in reducing crime. Unfortunately, in the past few years the Bush Administration and Republican-led Congress have continued to slash funding for this vital program, and the President's FY 2008 budget proposal would eliminate it altogether. I am proud to support a measure that halts this trend and reinstates funding for this vital program.

The COPS Reauthorization Act will establish the Office of Community Oriented Policing Services as a distinct entity within the U.S. Department of Justice and reauthorize hiring programs for officers to engage in community policing, serve as School Resource Officers, and engage in counterterrorism duties. This bill will also provide additional funding for police agencies to purchase lap top computers for patrol cars, crime mapping software, and interoperable communications equipment. Finally, reauthorizing the COPS program will increase funding for critical community prosecuting programs,

Enhancing and fully funding COPS programs will give our local law enforcement agencies the tools they need to fight crime and keep our communities safe. I urge my colleagues to join me in supporting this important piece of legislation.

JAMES A. LEACH FEDERAL BUILDING

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of H.R. 1505 to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach Federal Building.''

James Leach was born in Davenport, Iowa in 1942. Representing Iowa, he served in the House of Representatives for 30 years. Mr. Leach is a man of great honor, serving his state and country nobly, admirably and tirelessly. Mr. Leach was a career public servant, chairing several Committees during his time in Congress.

During his time in Congress, Mr. Leach respected individual rights, choices and freedoms and voted to protect them. In the 109th Congress, I had the good fortune of working with him on the International Relations Committee where he spoke often for dignity of mankind and human rights. Jim was a caring and compassionate hands on person who led a congressional delegation to western Indonesia after the December 26th, 2004 tsunami where he witnessed one of the most traumatic natural disasters in the past several centuries. His work was instrumental in securing disaster relief funds for this devastated area.

Mr. Leach holds eight honorary degrees, has received decorations from two foreign governments, and is the recipient of the Wayne Morse Integrity in Politics Award, the Woodrow Wilson Award from Johns Hopkins University, the Adlai Stevenson Award from the United Nations Association, and the Edger Wayburn Award from the Sierra Club. In 2000, the Independent Bankers Association honored James Leach by creating ''The James A. Leach Leadership Award'', named for the Iowa Congressman. Mr. Leach served as chairman of the House Banking Committee from 1995 to 2001. The James A. Leach Leadership Award honors bankers for outstanding service to the banking industry. These examples exemplify his respect as a person and public servant.

Madam Speaker, today I have the privilege in joining my colleagues in honoring this distinguished gentleman and good friend by designating the U.S. courthouse located on 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach United States Courthouse''.

A TRIBUTE TO DIXON OSBURN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. BALDWIN. Madam Speaker, I rise today to pay tribute to C. Dixon Osburn, who, as co-founder and Executive Director of Servicemembers Legal Defense Network (SLDN), led the national movement to repeal ''Don't Ask, Don't Tell'' for the past fourteen years. Under his leadership, SLDN has moved our nation many miles closer to its goal of freedom to serve in our Nation's Armed Forces without regard to sexual orientation.

It has been my honor to work with Dixon for many years to improve the lives of lesbian, gay and bisexual service members. Our work is not done, but one day ''Don't Ask, Don't Tell'' will take its place among the relics of history and be replaced by a fairer, better policy that truly honors the patriotism of all Americans. And we will remember Dixon and the foundation he built with Servicemembers Legal Defense Network.

I wish Dixon all the best in his future endeavors, and I thank him for his significant contribution to improving our Nation's Armed Forces.

HONORING ACACIA MASONIC LODGE #163

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to congratulate the Acacia Masonic Lodge of Martin County, Florida on their 100th anniversary and commend them for all the good work they do throughout the community.

This very special anniversary in Florida's 16th District makes the Acacia Masonic Lodge, #163 of Free and Accepted Masons, the oldest organization in Martin County. Knowing what good work they do in the area, I wanted to honor them by highlighting some of their achievements.

Graduating seniors from all of Martin County's high schools, sick children in local hospitals and senior citizens residing in local residential homes are just a few of the beneficiaries of the Acacia Masons' charity. Over the years, they have donated over $100,000 to worthy causes throughout Martin County.

Not only have the Acacia Masons given financial support to Martin County, they have also been a visible bastion of good work in our community. Since 1964, the Acacia Masons have laid the cornerstone of every Martin County public school, symbolizing the value they place on education for all the children in the area.

The Masons' motto is, ''Take a good man and make him a better man.'' Having met many of them personally, I can confirm that the Free Masons in Martin County are certainly practicing what they preach; and judging by the strength of their organization, I am certain they will still be supporting the Martin County community a hundred years from now.

Madam Speaker, please join me in commending the Acacia Masonic Lodge for a century of unwavering commitment and support of Martin County and all who reside there.

HONORING BURGESS (B.J.) ETZEL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor a life-long Texan, a personal friend, and a great leader in our community. Burgess Etzel, or B.J. as most of us know him, was born in Roundtop, Texas. After finishing high school there, he went on to attend Blinn College, and then to my alma mater, the University of Houston.

After graduation, B.J. began his work in the communications industry. Hired as a cable splicing helper in 1957 in what was then the Plant Department in Houston, he continued this work until 1969. At that time he was transferred to Network Operations as a Communications Technician.

In 1987, after serving as Job, Chief, and District Stewards for over two decades, B.J. was elected President of the Communications Workers of America Local 6222. In this position, he represented over 7,000 bargaining unit employees working for SWB Telephone, SWB Yellow Pages, SWB Wireless, AT&T, Lucent Technologies, and printing sector in metro Houston and surrounding areas in the Southeast Texas region.

Despite his busy schedule as President of the CWA Local 6222, B.J. also found time to serve on the board of trustees of the United Way of the Texas Gulf Coast, and raise four children with his wife Frances.

B.J. has served as a leader in all phases of local organizing drives, and all legislative and community service work. I would like to thank B.J. for his service to the CWA and its members, and congratulate him for having the flag pole dedicated to him on May 19, 2007.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BISHOP of New York. Madam Speaker, I rise today on behalf of the over 3 million women living with breast cancer, in strong support of the Breast Cancer and Environmental Research Act. Breast cancer remains the leading cause of death among women between the ages of 40 and 55. My sister-in-law was among them, having died at the age of only 41. While important advances have been made, we still do not know what causes this disease, or how to prevent it.

Scientific evidence as to the role the environment plays in the development of breast cancer is scarce. There is a clear need for research on the relationship between environmental factors and breast cancer. The Breast Cancer and Environmental Research Act would facilitate such research by establishing a national strategy to study the link between the environment and breast cancer by creating multi-institutional, multi-disciplinary centers that study the environmental factors that contribute to the disease.

Although there are currently 221 cosponsors, this legislation has yet to have a hearing in committee. If we are going to make a serious commitment to preventing and curing breast cancer we must pass this legislation so that one day we can announce that our mothers, daughters, sisters, and friends are free of this disease.

Madam Speaker, I urge all of my colleagues to support this bill and pass the Breast Cancer and Environmental Research Act.

IN RECOGNITION OF THE PASSING OF SERGEANT TIMOTHY PADGETT, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MILLER of Florida. Madam Speaker, I rise to honor SGT Timothy Padgett, United States Army. Sergeant Padgett, known as Timmy, gave his life in defense of our Nation while serving in Tarin Kwot, Afghanistan, on May 8, 2007. Sergeant Padgett was serving as a Green Beret with the 1st Battalion, 7th Special Forces Group based in Fort Bragg, North Carolina.

Timmy was raised in DeFuniak Springs, Florida, and graduated from Walton High School in 1997. A former firefighter paramedic with the South Walton Fire District, our local paper, the Northwest Florida Daily News, reported ''A lot of firefighters knew him well, and the close-knit group is taking the news of his death real hard, said Deputy Fire Chief Sean Hughes. 'He was a great guy,' Hughes said. Most people knew Padgett by his big smile, which he almost always wore. His fellow firefighters often called him 'smiling Tim,' Hughes said.''

Timmy's mother, Glenda Penton, resides in DeFuniak Springs and has been remarkably steady since her son's passing. I spoke with Glenda two days after the horrible news and she was gracious and proud of her son. I was so impressed and inspired by her. I don't know if I could have been the same way so soon after learning of the loss of a loved one.

I am always reminded of the greatness of our country due to the resiliency of people like Glenda Penton and the bravery of people like her son Timmy. We have an all volunteer military and continue to ask our sons and daughters to travel to faraway lands to fight for our freedom and these sons and daughters continue to answer the call.

The people of DeFuniak Springs have reason to be proud of Sergeant Padgett, and I am humbled to be able to represent those people, as well as the memory of Sergeant Padgett, for am I equally proud. Vicki and I will keep Timmy's entire family, especially his 8 year-old daughter, Summer Lynn, in our

thoughts and prayers. I hope all the people of Northwest Florida and our Nation do the same.

PERSONAL EXPLANATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. CRENSHAW. Madam Speaker, on Monday, May 14, 2007, I was unable to cast several votes because I was meeting with Forest Service and fire fighting personnel to assess the hazardous situation and current evacuation of several areas in the Fourth Congressional District threatened by wildfires.

Had I been present, I would have voted ''no'' on rollcall 342, the D.C. Tuition Assistance Grant Program Reauthorization; ''yea'' on rollcall 343, Supporting National Day of Remembrance for Murder Victims; and ''yea'' on rollcall 344, Recognizing National AmeriCorps Week.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on May 14, 2007:

H.R. 1124, To extend the District of Columbia College Access Act of 1999, On Motion to Suspend the Rules and Pass, I would have voted ''nay.''

H. Res. 223, Supporting the goals and ideals of a National Day of Remembrance for Murder Victims, On Motion to Suspend the Rules and Agree, I would have voted ''aye.''

H. Res. 385, Recognizing National AmeriCorps Week, On Motion to Suspend the Rules and Agree, I would have voted ''aye.''

INTRODUCING THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MARKEY. Madam Speaker, Memorial Day is the beginning of the season when American families take their children to our amusement parks for a day of fun and sun. Unfortunately, it is also the case that over 75 percent of the serious injuries suffered on these rides occur between the months of May and September. Most of America thinks that the rides at these parks are subject to oversight by the Nation's top consumer safety watchdog—the Consumer Product Safety Commission (CPSC). But this is not true. The industry was subject to federal safety regulation, but in 1981 it succeeded in carving out a special-interest political exemption in the law—the so-called Roller Coaster Loophole.

It is time to put the safety of our children first—it is time to close the Roller Coaster Loophole. Today I am introducing the National Amusement Park Ride Act to restore safety oversight to a largely unregulated industry. I am pleased to be joined in this effort by Representatives JAN SCHAKOWSKY (D–IL), CHARLIE RANGEL (D–NY), JIM MCGOVERN (D–MA), ELEANOR HOLMES NORTON (D–DC), CAROLYN MALONEY (D–NY) and ANNA ESHOO (D–CA).

''Fixed'' or ''fixed-site'' rides are found predominantly in destination theme parks. When an accident occurs on such rides, the law actually prevents the CPSC from even setting foot in the park to find out what happened. In some States, an investigation may occur, but in many, there is literally no regulatory oversight at all. And no matter how diligent a particular state might be, there is no substitute for Federal oversight of an industry where park visitors often come from out-of-state; a single manufacturer will sell versions of the same ride to park operators in many different States; and no state has the jurisdiction, resources or mission to ensure that the safety lessons learned within its borders are shared systematically with every other State.

Although the overall risk of death on an amusement park ride is very small, it is not zero. Sixty-four deaths have occurred on amusement park rides since 1987, and over two-thirds occur on ''fixed-site'' rides in our theme parks. In August 1999, 4 deaths occurred on roller coasters in just one week, ''one of the most calamitous weeks in the history of America's amusement parks,'' according to U.S. News and World Report:

> Every one of these is an unspeakable horror for the families, and every one of them deserves to be investigated by a Federal safety expert with the knowledge and the power to ensure that what happened at the accident site does not get repeated in other states.

It is simply inexcusable that when a loved one dies or is seriously injured on these rides, there is no system in place to ensure that the ride is investigated, the causes determined, and the flaws fixed, not just on that ride, but on every similar ride in every other State. The reason this system does not exist is the Roller Coaster Loophole.

The industry attempts to justify its special-interest exemption by pretending that there is no risk in riding machines that carry human beings 70, 80 or 90 miles an hour. The rides are very short, and most people are not injured. But in fact, the number of fatalities per passenger mile on roller coasters is higher than on passenger trains, passenger buses, and passenger planes. The National Safety Council uses a standard method of comparing risk of injury per distance traveled. Riding on a roller coaster is generally safer than driving a car, but is not generally safer than riding a passenger bus, train or airplane:

> Fatalities are just the tip of problem, however. Broken bones, gashes, and other serious injuries have been rising much faster than attendance. The CPSC is prohibited from requiring the submission of injury data directly from ride operators, so it is forced to fall back on an indirect method, the National Electronic Injury Surveillance System (NEISS), which gathers information from a statistical sample of hospital emergency rooms and then estimates national numbers. Nevertheless, NEISS has been gathering these statistics systematically over many years, so that trends become clear over time.

Beginning in 1996, a sharp upward trend can be seen in hospital emergency room visits by passengers on unregulated ''fixed'' rides—the category of rides exempt from CPSC regulation under the Roller Coaster Loophole. These injuries soared 96 percent over the next 5 years. Meanwhile, such emergency room visits were falling for passengers on rides that the CPSC still regulates.

The theme park industry likes to tell the public that its rides are safer than the mobile rides because they are overseen by a permanent park staff, but according to this independent government safety agency report, the mobile parks have less of an injury problem than the theme parks.

For the most part, these rides are designed, operated and ridden safely. But clearly, the margin for error is much narrower for a child on a ride traveling at 100 mph than on a ride traveling 50 mph. Children often do foolish things, and the operators themselves are often teenagers. People make mistakes. The design of these rides must anticipate that their patrons will act like children, because they often are children.

The bill we are introducing today will close the loophole that prevents effective Federal safety oversight of amusement park rides. It would, therefore, restore to the CPSC the standard safety jurisdiction over ''fixed-site'' amusement park rides that it used to have before the Roller Coaster Loophole was adopted. There would no longer be an artificial and unjustifiable split between unregulated ''fixed-site'' rides and regulated ''mobile'' rides. When a family traveled to a park anywhere in the United States, a mother or father would know that their children were being placed on a ride that was subject to basic safety regulation by the CPSC.

It would restore CPSC's authority to investigate accidents; develop and enforce action plans to correct defects, and act as a national clearinghouse for accident and defect data.

The bill would also authorize appropriations of $500,000 annually to enable the CPSC to carry out the purposes of the Act.

The bill I am introducing today is supported by the Nation's leading consumer-protection advocates, including Saferparks.org, the Consumer Federation of America, the U.S. Public Interest Research Group, the National SAFE KIDS Campaign, and Kids in Danger.

I urge my colleagues to join us in this effort to make this the safest summer ever in our theme parks. Let's pass the National Amusement Park Ride Safety Act.

CONGRATULATING THE DAYTON NAACP YOUTH COUNCIL

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TURNER. Madam Speaker, it is my pleasure to recognize and congratulate the members of the Dayton, OH branch of the National Association for the Advancement of Colored People, NAACP, for its positive accomplishments on behalf of our young people.

On Saturday, April 14, 2007, the Dayton NAACP Youth Council, under the guidance of Youth Advisor Barbara Mack, hosted its first annual Youth Leadership Summit 100 at Sinclair Community College. The NAACP Youth Council is an organization involving some

67,000 youth nationwide, whose mission is to educate, motivate, and inspire civic-minded young people to become effective community leaders. The Dayton chapter is the first NAACP Youth Council in the State of Ohio to host an annual youth leadership summit. The theme of this year's event is: "In It To Win It." The summit consisted of a series of panel discussions to inform and educate the community on timely topics ranging from violence and drug activity in the community, to health, political action and finances, faith and the community, and youth with disabilities.

Under the leadership of Barbara Mack, the Dayton NAACP Youth Council has earned recognition from the national organization for its recent accomplishments. The Dayton chapter ranked first among NAACP Youth Councils in the seven-State Midwestern region for signing up the most new members. The recruitment of 122 new members increased the total membership to over 600–strong, giving the council more clout at the national level. As a reward for their efforts, 15 members of the Youth Council attended the 38th annual NAACP Image Awards held at the Shrine Auditorium on March 2, 2007 in Los Angeles, which was broadcast live on FOX.

I am proud to acknowledge the Dayton NAACP Youth Council on the success of its inaugural Leadership Summit, and congratulate Barbara Mack for her leadership on behalf of the young people of Ohio's Third Congressional District.

HONORING THE MENTAL HEALTH ASSOCIATION IN PASSAIC COUNTY AND THE DISTINGUISHED HONOREES OF ITS 4TH ANNUAL VISION AND ACHIEVEMENT AWARDS DINNER

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the Mental Health Association in Passaic County for its outstanding dedication to the well-being of the people of Passaic. For two decades, the committed staff and volunteers of this organization have provided County residents with the services and support that they need to take care of themselves. From a listening ear to prescription drugs and therapy to education and public awareness efforts, the Mental Health Association serves Passaic residents from childhood to retirement, often without payment for all they provide.

At their Fourth Annual Vision and Achievement Awards Dinner tonight, the Mental Health Association in Passaic County will honor seven tremendous citizens whose individual efforts also work to support the well-being of Passaic residents. Each, in his or her own way, helps to make the quality of life in this North Jersey community top-notch, and I wish to recognize them all for their outstanding accomplishments:

Mohamed El Filali, Outreach Director at the Islamic Center of Passaic County and the Muslim Chaplain at the Passaic County Jail.

Sister Gloria Perez, Executive Director of Eva's Kitchen and Sheltering Programs.

Dr. Steven D. Rose, President of Passaic County Community College.

Dr. Sybil C. Schreiber, Executive Director of the Passaic County Mental Clinic.

Jerry Speziale, Passaic County Sheriff.

Jack McElligott, a licensed clinical social worker and member of the Board of Directors of the Mental Health Association in Passaic County.

Linda Shapiro, a loving wife and mother and volunteer for the Mental Health Association in Passaic County.

It is an honor to recognize the public service of these seven individuals and all the men and women who make the Mental Health Association in Passaic County such an important part of the Passaic community.

INTRODUCTION OF THE GLOBAL WARMING WILDLIFE SURVIVAL ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. DICKS. Madam Speaker, as the chairman of the Interior Appropriations Subcommittee, I am very much aware of the need to take action to address global warming, and I recently held a hearing to examine the impact of climate change on many of the agencies and resources under my subcommittee's jurisdiction. At the beginning of that hearing, I stated my belief that climate change may be the emerging issue of our time. Climate change may alter the face of our planet in ways we cannot yet comprehend, and I believe it is our responsibility not only to do as much as possible to halt or slow it, but also to do everything in our power to protect the earth's resources from its impacts so that future generations will be able to benefit from them as we and past generations have done.

Our Nation's wildlife is one critically important resource that is particularly vulnerable to climate change and is also a resource that is a fundamental part of America's history and character. Conservation of wildlife and wildlife habitat is a core value shared by all Americans.

America's wildlife is vital to our Nation for many reasons. Wildlife conservation provides economic, social, educational, recreational, emotional, and spiritual benefits. The economic value of hunting, fishing, and wildlife-associated recreation alone is estimated to contribute $100 billion annually to the U.S. economy. Wildlife habitat, including forests, grasslands, riparian lands, wetlands, rivers and other water bodies, is an essential component of the American landscape, and is protected and valued by Federal, State, and local governments, tribes, private landowners, and conservation organizations.

Unfortunately, it is becoming increasingly apparent that the effect of climate change on wildlife will be profound. The recently released reports from the Intergovernmental Panel on Climate Change IPCC have made clear that global warming is occurring, that it is exacerbated by human activity, and that it will have devastating impacts on wildlife and wildlife habitat. Wildlife is already suffering from massive changes in habitat, particularly in the arctic, and shifts in ranges and timing of migration and breeding cycles. Continued global warming could lead to large-scale species extinctions. These impacts add to and compound the adverse effects wildlife and its habitat already suffer from land development, energy development, road construction, and other human activities, and from other threats such as invasive species and disease.

According to the IPCC, global warming and associated sea level rise will continue for centuries due to the timescales associated with climate processes and feedbacks, even if greenhouse gas concentrations are stabilized now or in the very near future. I believe that, as a nation, we must craft responses and mechanisms now to help wildlife navigate the threats caused by global warming.

To conserve wildlife in the face of the far-reaching effects of global warming, there is a need for a coordinated, national strategy based on sound scientific information to ensure that impacts on wildlife that span government jurisdictions are effectively addressed and to ensure that Federal funds are prudently committed. Ensuring strategic and efficient allocation of funding is something of particular interest to me as an appropriator.

Today I am introducing the "Global Warming Wildlife Survival Act" as a first step in ensuring our Nation is using all possible means to help America's wildlife survive the impacts of global warming.

The "Global Warming Wildlife Survival Act" has four elements:

First, it includes a congressional declaration of national policy recognizing that global warming is having profound impacts on wildlife and its habitat and committing the Federal Government, in cooperation with State, tribal and local governments and other concerned organizations, to use all practicable means to assist wildlife in adapting to and surviving the effects of global warming.

Second, the bill requires development of a national strategy for assisting wildlife impacted by global warming developed by the Secretary of the Interior, in consultation with the Secretaries of Agriculture and Commerce, States, tribes, local governments, conservation organizations and scientists, and coordinated with State wildlife action plans, the national fish habitat action plan, and other relevant wildlife conservation plans. A committee of scientists is established to advise the Secretary in development of the national strategy. The Secretaries of the Interior, Agriculture and Commerce are charged with implementing the national strategy on Federal lands and in conservation programs they administer.

Third, the bill will support improved science capacity for Federal agencies to respond to global warming, including establishment of a National Global Warming and Wildlife Science Center in the United States Geological Survey, and enhanced science capacity in Federal land management and wildlife agencies.

Finally, the bill directs strategic allocation of funding for implementation of the national strategy and State and tribal actions to enhance wildlife resilience to global warming. The Act allocates Federal funding to implement the National Strategy 45 percent to Federal land management agencies, 25 percent to federally funded and implemented fish and wildlife programs, and 30 percent to States. I am very pleased to say that the State and tribal funding allocated in the bill is made available through the State and Tribal Wildlife Grants Program. The bill also authorizes the State and Tribal Wildlife Grants Program

which was created by our subcommittee in the fiscal year 2001 Interior appropriations bill as an upstream solution to help conserve species before they decline to the point where they need Endangered Species Act protection. Now this important program, and the comprehensive State wildlife action plans that were required for states to get funding, will be on the forefront of our Nation's efforts to help mitigate the impacts of global warming on wildlife.

This bill will help ensure that the pressing needs that are faced by the agencies and programs under the Interior and Environment appropriations subcommittee to help wildlife and wildlife habitat are addressed strategically, based on a foundation of sound scientific information, and that funding is allocated among the Federal agencies and the States in the most efficient way possible.

As I introduce this important bill, I also have one additional very significant point to make about funding to address impacts to wildlife from global warming. As Congress moves forward in considering comprehensive legislation to address global warming, it is possible that new sources of funding for the Federal Government will be generated. For example, in legislation to cap greenhouse gas emissions, it is likely that a system of emissions credits that can be traded would be created. In the process, there is an opportunity to auction some of these credits, producing substantial revenue for the Federal Treasury. Although the ''Global Warming Wildlife Survival Act'' as I am introducing it authorizes funding to implement the provisions of the bill, I believe that a portion of any revenues that will be generated by upcoming global warming legislation should be specifically dedicated to implement the provisions of the ''Global Warming Wildlife Survival Act.''

The Interior and Environment appropriations subcommittee allocation is woefully stressed just dealing with the current needs of the agencies and programs under its jurisdiction. Our Federal land management agencies have tremendous backlogs for operations and maintenance of our national wildlife refuges, parks, forests and other public lands. This situation has been greatly exacerbated by the past 6 years of Bush administration budgets and prior Congresses. Hundreds of important biologist positions have been cut, and the agencies' budgets are far below what they have needed just to keep up with inflation. These programs have been starved to the point where they are on life support. It became apparent in the recent hearing on global warming held by the subcommittee that the land management agencies are already seeing the results of climate change on the ground, but that they have few, if any, resources to deal with these changes. With the effects of global warming only expected to increase in severity in the coming years, I believe it is crucial to infuse dedicated new funding into our efforts to address this crisis, and I will work to make this happen.

This is a great Nation with a unique and irreplaceable natural heritage. We must take steps now to protect our wonderful wildlife from the ravages of climate change.

TRIBUTE TO KEITH YODER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. UPTON. Madam Speaker, I rise today to recognize Mr. Keith Yoder of Kalamazoo, Michigan for his 32 years of distinguished public service with the Social Security Administration.

Keith began his career with Social Security in July 1975 as a Claims Authorizer in Philadelphia, PA. While it would take 25 years for Keith to make his way to our corner of Southwest Michigan, he continued to develop an impressive professional track record throughout Indiana and Michigan.

Over the past 7 years, Keith has managed the Social Security field office in Kalamazoo, from which he and his staff have faithfully served the residents of Allegan, Kalamazoo and St. Joseph counties. During an age in which government bureaucracy has too often become synonymous with the impersonal and lethargic, Keith and, under direction, his team have always been a reliable, informative and affable resource for my constituents and staff. His support of shelter-based and follow-up assistance to the Hurricane Katrina evacuees who made their way to my district in 2005 serves as a testament to both the good will and dedication that characterize his career.

Once again, I would like to personally congratulate and thank Keith Yoder for his many years of public service to the citizens of this great country. Southwest Michigan is truly a better place because of his contributions.

HONORING THE MEMORY OF THE HONORABLE JUANITA MILLENDER-McDONALD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of former California Congresswoman Juanita Millender-McDonald and her lifetime of dedication to the people of California and the United States. I was deeply saddened to learn our colleague passed away so suddenly. We have not only lost a wonderful friend but an individual who during her lifetime made countless contributions toward the betterment of our Nation.

A native of Alabama—there is some dispute as to whether she was born in Gee's Bend or Birmingham—Juanita's ties to her home state remained strong throughout her life. In fact, just a few short years ago, she was extremely involved with her family reunion which was held in Monroeville, in Alabama's First District. She was always so very proud of her family and naturally, they are so very proud of her.

Juanita began her career as a teacher in Los Angeles. She was also the editor-writer for the Los Angeles Unified School District and worked as a manuscript editor for Images, a textbook designed to enhance the self-esteem of young women. She began her political career in 1990, when she was elected to the Cason City Council. Just 2 years later, she was elected to the California State Assembly.

In 1996, Juanita was elected to represent the 37th District of California in the United States House of Representatives. Throughout her seven terms, she was a champion of election reform and women's health issues. She made history in the 110th Congress when she was named chairwoman of the House Administration Committee becoming the first African American woman to chair a House committee.

We are privileged to have known and worked with such a passionate and loyal individual. Juanita will be greatly missed and always remembered. Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant.

Juanita Millender-McDonald will be deeply missed by her family—her husband, James McDonald Jr., her five children, and five grandchildren—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, we are here today because last week President Bush vetoed legislation supported by a majority of the members of the House and the Senate. The vetoed supplemental appropriations bill, H.R. 1591, would have provided funding for our troops in Iraq and Afghanistan, cared for the needs of our veterans and put forth commonsense benchmarks and timelines to hold Iraq's politicians accountable for achieving needed political results. President Bush rejected that modest requirement to the foreign policy disaster he has created in Iraq. Once again it would appear he has forgotten that the rubber stamp Congress he had grown accustomed to is no longer in power and the American people, along with the new Congress, expect cooperation, compromise and an exit strategy from Iraq, not more ''stay the course'' rhetoric that has cost our Nation so many lives.

Today's bill, H.R. 2206, unfortunately does not set a timetable for bringing U.S. troops home, but it does provide President Bush with an opportunity to demonstrate his commitment to holding Iraq's political leadership accountable while providing the Department of Defense with $42.8 billion in immediate funding for our troops in Iraq. This legislation also provides Congress the ability to ensure that the President and the Pentagon are taking meaningful steps to achieve success in Iraq by ''protecting'' an additional $52.8 billion in military spending. This spending would be released when the President reports to Congress in mid-July that his stated benchmarks and goals in Iraq are being met. This legislation is not the blank check the President wants. But, it is a responsible, measured approach for a White House that has proven itself incapable of honest, forthright leadership in managing this war.

H.R. 2206 is necessary legislation that puts the needs of U.S. troops and responsible accountability for a policy that now threatens

U.S. military preparedness and our national security. Congress has every right, and in fact every obligation, to hold President Bush and Iraq's political leadership accountable for their lack of results and complete lack of urgency while U.S. troops patrol in the midst of an Iraqi civil war.

Madam Speaker, I strongly support H.R. 2206 and I urge my colleagues—especially my Republican colleagues—to take this appropriate and tempered step towards protecting our troops while demanding political accountability from President Bush and his Iraqi counterparts.

TRIBUTE TO SYLVIA BERKOWITZ

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. SCHAKOWSKY. Madam Speaker, it is my honor to recognize and pay tribute to an esteemed member of my community, Sylvia Berkowitz as she celebrates her 100th birthday on May 30th.

I know that her love and kindness have been an inspiration to her family and friends. Her dedication to her family—as a mother, grandmother, great-grandmother and recently a great-great-grandmother—is to be revered.

Throughout the last century, Sylvia has not only dedicated her energies and remarkable abilities to her family but also to others. I applaud her work in volunteering for numerous charitable organizations including helping those struggling with Leukemia, Multiple Sclerosis and other incapacitating diseases.

On behalf of the people of the 9th Congressional District of Illinois, it is my privilege to congratulate Sylvia Berkowitz on this momentous occasion. You are a true inspiration and a wonderful human being. I wish you continued success, good health, and happiness in the years ahead.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

SPEECH OF

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today in support of H.R. 634, the American Veterans Disabled for Life Commemorative Coin Act. This bipartisan legislation commemorates those veterans who have sacrificed so much to secure our freedom by requiring the Secretary of the Treasury to mint coins in their honor.

The funding generated from the sale of these coins will be used to help build a memorial to disabled veterans on the grounds surrounding the U.S. Capitol. This memorial, which will sit within full view of the Capitol, will serve to remind us of those young men and women who put their lives on the line each day in defense of this great Nation.

Several weeks ago, I had the opportunity to visit Walter Reed to meet some of the brave men and women that we seek to honor here today. I will never forget the faces of those warriors who proved that they would stop at nothing to fulfill the mission that this Nation has laid before them.

Our military veterans have served honorably around the world, in many of the most hostile and dangerous conditions known to man. Whether it is in the fields of Europe, the jungles of Southeast Asia, or the deserts of the Middle East, the selfless actions of these men and women helps to preserve the liberty that we hold so dear.

These soldiers, sailors, airmen, and marines who voluntarily heeded the call to serve our Nation in combat, truly embody all that is great within our society. They have shown courage and valor, consistently performing with distinction on foreign battlefields. These honorable Americans have given us all that they have to offer. It is now time for us to show them how much we appreciate their great sacrifice.

RECOGNIZING KEELIN BROUGHAN ON THE 2006 PRESIDENTIAL AWARD OF EXCELLENCE IN MATH AND SCIENCE TEACHING

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Keelin Broughan on winning the 2006 Presidential Award of Excellence in Math and Science Teaching.

Ms. Broughan is a kindergarten teacher at Paul Revere Elementary School in Chicago. I often say that we need to start teaching math and science to our children as early as possible, and it doesn't get much earlier than kindergarten.

Paul Revere Elementary is a Chicago Public School with a very long tradition in the community. Thanks to excellent teachers like Keelin Broughan, students from a variety of backgrounds are able to have access to an outstanding education.

This week, Ms. Broughan will be presented with her award and have an opportunity to meet the President of the United States and her fellow award winners from across the country.

Since 1983, over 3,700 teachers have received Presidential Awards for Excellence in Mathematics and Science Teaching. The effort and ability of these educators will help ensure that our children are ably prepared for the coming years.

Madam Speaker, I hope that my colleagues will join me in congratulating Keelin Broghan on her outstanding work in the classroom, and I wish her the best of luck in her future endeavors.

HONORING THE LIFE OF ALIDA DIETRICH BEGINA, ED.D.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. DELAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to honor and pay tribute to a dear friend and outstanding community member, Dr. Alida Dietrich Begina, who was taken from us all too soon in late April of this year after losing her battle with breast cancer. As a wife, mother, educator, administrator, colleague and friend, Alida gave so much of herself to others and has left an indelible mark on the lives of all of those she touched.

Alida's dedication to education—at every level—was unparalleled. She began her career as an English, Latin, and Spanish teacher in several school systems eventually working her way to administrative positions. She worked in both public school systems as well as alternative education systems, even spending 2 years as an Instructor in English as a Second Language at Indiana Central University in Nicosia, Cyprus. She would end her career as the Superintendent of Hamden Public Schools where she was respected and loved by students, faculty and community members alike. In the 12 years she served in this position, Alida worked diligently to provide Hamden's students with access to the best possible education on which to build their future success. She was a reflection of all that we hope our education leaders will be.

Through all of her efforts Alida became one of the most highly regarded administrators in the State, In addition to serving as the Superintendent for the Hamden Public School system, she served as an adjunct professor at both Sacred Heart University and Southern Connecticut State University, where she taught graduate courses for obtaining superintendents' certification as well as curriculum development and theories of learning for administrator certification. Alida was often looked to by professionals and public policy makers for input—the myriad of honors, awards, and commendations that she earned throughout her career are a testimony to her distinguished reputation as a leader in public education. Perhaps most telling was her selection as the only superintendent in Connecticut to design and write the revised version of the Connecticut Administrator Test that is used for certification of administrators. Indeed, I and my staff often called upon Alida's vast knowledge and experience when faced with challenging choices in public policy concerning education. The loss of her expertise and unique perspective on public education and its impact on our young people will certainly be missed by many.

One of her most invaluable contributions and lasting legacies is her work to establish the Hamden Education Foundation—a nonprofit organization that, since its inception, has raised hundreds of thousands of dollars which has been used to fund innovative student programs and scholarships. In addition to several annual scholarships, funds are used for such programs as the purchase of library books and periodicals for all Hamden public schools as well as mini-grants aimed at encouraging teachers and other certified staff to implement exciting and often long-cherished ideas. The Foundation looks to the community to raise the funds it uses—creating a special bond between the community and its young people. I have no doubt that the Hamden Education Foundation and Alida's vision in which it was created will continue to enrich the lives and education of Hamden students for many years to come.

Dr. Alida Dietrich Begina will long be remembered for her many invaluable contributions to education, both locally and state-wide.

She was a mentor to so many—most notably her two loving daughters, Lauren and Courtney. I stand today to offer my sincerest condolences to her husband, Bill; her daughter, Lauren and her husband Ryan; her daughter Courtney and her husband Daniel; as well as her beloved grandson, Jackson—the inspiration for her two children's books published shortly before her passing. Mere words cannot express the sorrow we all feel at the loss of such an extraordinary woman.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BONNER. Madam Speaker, on Monday, May 14, 2007, I attended an event in my district announcing a major economic development project and was absent for 3 votes.

Had I been present, I would have voted ''yea'' on rollcall 342, ''yea'' on rollcall 343, and ''yea'' on rollcall 344.

HONORING SONIA GUTIERREZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BACA. Madam Speaker, on May 18, 2007, the Latino and immigrant communities of the Greater Washington Region will gather to celebrate with Ms. Sonia Gutierrez her 35 years of selfless dedication to the larger community and to the Carlos Rosario International School.

Sonia Gutierrez was born in Santurce, Puerto Rico. She received a Bachelors Degree in Business Administration and a Masters Degree in Adult Education specializing in Supervision and Administration of Adult Education Programs.

Ms. Gutierrez, is the CEO & Founder of the Carlos Rosario International Career Center and Public Charter School, and has spent 35 years as a principal, counselor, advocate, and organizer to more than 60,000 adult immigrant students.

Ms. Gutierrez began her career in the District of Columbia Public Schools in May 1972 as a counselor in the Program for English Instruction to Latin Americans (PEILA). There she began her mission: to provide holistic education to adult immigrants with little formal education in their native countries, enabling them to succeed by addressing their social and academic needs.

In October 1972, Ms. Gutierrez became the Director of PEILA and transformed the small, under-funded English as a Second Language (ESL) program into a comprehensive adult education program. In 1974, the Office of Right to Read of the U.S. Department of Health, Education and Welfare designated it as one of the best literacy programs in the Nation. As PEILA outgrew its facility, Ms. Gutierrez began a 2-year effort to secure a school building for the program. In 1978 she was successful in relocating the program to the old Gordon Junior High School in Georgetown; PEILA then merged with the old Americanization School with an initial enrollment of 800.

Sonia Gutierrez has made a tremendous impact on the Washington, DC region and on the field of adult education. She has had a direct impact on the lives of over 60,000 people in the last 35 years. Many thousands more have benefited as the adult education model she developed has proliferated across the globe. The students served by the Carlos Rosario International School have been given the chance to achieve their dreams because of her belief in them and their potential, and her passionate leadership of the school.

Ms. Gutierrez has triumphed over great adversity in leading the school to be the thriving model it is today. Today, it is arguably the most recognized school in the District of Columbia Public School System. Under her leadership it was recognized as a national model for adult education by the United States Department of Education. She has helped other schools replicate the model across the Nation as well as in Korea and Germany. When many adult schools were closed by the District of Columbia in 1996, she pushed on, ignored suggestions to retire, and reestablished the Carlos Rosario International School.

Sonia Gutierrez is a civil rights activist, a leader and visionary. She is a fierce defender and advocate for urban school systems and the families who attend them. Sonia has been a model of leadership. Her commitment to fairness, excellence, and compassion has inspired many to make a difference in this world.

It is for this perseverance, passion, visionary leadership, and the immeasurable impact on the lives touched by her work that we recognize Ms. Sonia Gutierrez' 35 years of service to the community.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. FOSSELLA. Madam Speaker, as we return from Mother's Day weekend, I would like to take this opportunity to express my support for H.R. 1157, the Breast Cancer Environmental Research Act, and urge my colleagues to cosponsor this important legislation.

This weekend we honored our mothers and grandmothers and the immense contributions they have made in our lives. As we celebrate these women, we should also take the opportunity to renew our focus and efforts on an issue that affects far too many women in the United States: breast cancer.

There are more than three million women currently living with breast cancer, and each year tens of thousands of women die from the disease. While we have made important progress in treatments and research, we still do not know what causes breast cancer or how to prevent it. And the alarming nature of these uncertainties is compounded by the fact breast cancer rates are on the rise. A woman in the United States has a 1 in 7 chance of developing invasive breast cancer in her lifetime—this risk was only 1 in 11 in 1975.

While it is generally believed the environment plays some role in the development of breast cancer, scientific evidence about the extent of its role is minimal. Studies have explored the effect of isolated environmental factors such as diet, pesticides and electromagnetic fields, but in most cases there is no conclusive evidence, and they cannot be translated into real ways in which women can better protect themselves.

The Breast Cancer Environmental Research Act will create a competitive, peer-reviewed research program at the National Institutes of Health to study the potential links between breast cancer and the environment. Less than 30 percent of breast cancers are explained by known risk factors, and there are many understudied factors suspected to play a role that could be valuable in understanding the causes of breast cancer. H.R. 1157 will start a collaborative, comprehensive and national strategy to study these issues.

I proudly stand in support of the Breast Cancer Environmental Research Act. I hope you will join me in cosponsoring this important, bipartisan investment in breast cancer research.

CONGRATULATING BROWARD COUNTY ANNUAL SENIOR HALL OF FAME HONOREES

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. WEXLER. Madam Speaker, today in Tamarac, Florida, 11 outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These 11 seniors being honored have volunteered in their communities and have contributed countless hours to helping others. Their outstanding character and compassion have truly set them apart. Those being honored are Dr. Kamala Anadam, Lucille D'Orso, Ron English, Elizabeth ''Betty'' Mate, Evelyn Miller, Pearl Monchek, Commissioner Allegra Webb Murphy, Sister Germana Sala, Charles Singer, Eleanor Sobel, and Willie Mae Williams.

Dr. Kamala Anadam of Weston, a former professor of Child Development in India, has been participating in the Interfaith Volunteer Caregivers Project since 1998. She personally coordinated the Project in her congregation, overseeing 22 volunteers and visiting frail homebound elderly in their homes. Dr. Anadam is a Member of the Fort Lauderdale Branch of America Association of University Women, a member of the Broward County Chapter of the United Nations of U.S.A., and a Member of the Advisory Committee of Senior Volunteer Services, Inc.

Lucille D'Orso of Lauderdale Lakes, a retired hairdresser, has been volunteering for the Foster Grandparents Program for over 32 years and has spent a majority of her time at several Broward County elementary schools, including Pinewood Elementary in North Lauderdale for 10 years, Northside Elementary in Fort Lauderdale for 15 years, Oriole Elementary in Lauderdale Lakes, and Larkdale Elementary in Fort Lauderdale.

Ron English of Fort Lauderdale has a passion for caring for the marginalized and less fortunate members of the community, leading to the creation of ground-breaking institutions such as AmFar (American Foundation for AIDS Research), the Sunshine Cathedral Foundation, and SunServe, the world's first

senior center designed to meet the needs of gay and lesbian frail seniors and their caregivers.

Elizabeth ''Betty'' Mate of Fort Lauderdale has been associated with the Alzheimer's Family Center since 1997 and has served on the agency's Board of Directors. In 200?, she became Chairman of the Alzheimer's Family Center's Black Tie Gala Committeee, and she recently completed a training program to volunteer for Project Lifesaver.

Evelyn Miller of Tamarac is Broward President of the National Alliance for Mental Illness. She also serves on the Board of the Florida Alliance for Mental Illness, and through her legislative advocacy and facilitation of model programs, has established the local Mental Health Court, the Court Project, the Florida Assertive Community Treatment Teams, the Crisis Intervention team Model within local law enforcement, and the Peer-to-Peer and Family-to-Family Programs.

Pearl Monchek of Hollywood is a lifetime member of the Jewish War Veterans Auxiliary and the Disabled American Veterans Auxiliary. She also discovered the Southeast Focal Point Senior Center more man 10 years ago and often fills in for the Site Manager for Broward Meals on Wheels. During the aftermath of Hurricane Wilma, Pearl came to the aid of residents of the apartment complex adjacent to the Senior Center, purchasing and delivering food and supplies to needy individuals.

Commissioner Allegra Webb Murphy of Oakland Park has served on the City of Oakland Park's Beautification Advisory Board, Charter Review Board, and Oakland Park Main Street Inc., in the offices of Vice President and Executive Board Secretary, and has contributed time as President of the Harris Chapel United Methodist Women's Group. Allegra actively participates with the Lakeside Homeowners Association, Zeta Phi Beta Sorority, and the Oakland Park Kiwanis Club, and she holds the distinction of being the first African American Mayor of the City of Oakland Park.

Sister Germana Sala of Davie spent 15 years teaching mentally disabled children in North Miami and since then, has spent a majority of her time at Hope Outreach, providing Social Services to the low-income, poor, and multicultural residents in and around the Davie area. Germana also visits the homebound, disabled, and frail elderly at home, nursing facilities, and hospitals.

Charles Singer of Pompano Beach helped pursue the creation of Broward Homebound Program, Inc., an affordable in-home program to prevent the need for premature institutionalization. Charles has also served as President of the Central Bureau for Jewish Aged Association, Founder of the National Association of Jewish Homes for the Aged, Treasurer of the Men's Golf Association of Palm Aire and the B'nai B'rith Housing in Deerfield, and Vice President of the Auxiliary of the Memory Disorder Center.

Eleanor Sobel of Hollywood was elected to the Broward School Board in 2006 and is a former Florida State Representative. Eleanor served as Chair for Women in Power in the 1980s and as President of the Hollywood Chapter for the National Council for Jewish Women, and was the City Commissioner in Hollywood for 6 years in the 1990s. As a State Representative, Eleanor brought the concerns of citizens in Hollywood and Pembroke Pines before the state legislature and was influential in enacting reforms on many issues of importance.

Willie Mae Williams of Lauderdale Lakes served as the Northwest Federated Woman's Club of Broward County for more than 25 years. As Second Vice President, Willie Mae diligently chairs the Food and Social Committee, and has raised funds for the organization by coordinating and implementing a weekly fish fry.

Madam Speaker, I would like to again congratulate these 11 outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mrs. WILSON of New Mexico. Madam Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2007

Daniel Lerma, Robert F. Kennedy Charter High School; Jennifer Roberts, Mountainair High School; Jennifer Johnston, Del Norte High School; James H. Caughren, Sandia Preparatory School; Arthur Chacon, Manzano High School; Siobhan Degnan, Southwest Secondary Learning Center; Abigail Martinez, South Valley Academy; Molly Nelson, Albuquerque Academy; Ashley Marie Maturino, Evangel Christian Academy; Ruby Trujillo, Rio Grande High School; Nicholas A. Maestas, Highland High School; David Aaron Parks, Cibola High School; Kelsey Byrne, Moriarty High School; Mathew Garcia, West Mesa High School; Eric Layer, Sandia High School; and Austin Baker, Temple Baptist Academy.

Angelica Aguilar, Los Puentes Charter School; Amanda Fernandez May, St. Pius X High School; Ashley Hope Darnell, Bernalillo High School; Sara Beth Dunham, Victory Christian School; Geri Lucia Lia, Menaul School; Corina Franco, New Futures School; Kelly Walker, Bosque School; Kelly D. Clingenpeel, Sierra Alternative High School; Audrey Wofford, Hope Christian School; Desiree J. Sandoval, Cesar Chavez Community School; Katie Gilliam, La Cueva High School; James C. Bohnhoff, El Dorado High School; Elizabeth McConaghy, Los Lunas High School; Charles Andres Padilla, East Mountain High School; Stacy Daniels, Valley High School; and Lindsay Riblett, Moriarty High School.

STATEMENT OF REPRESENTATIVE TOM DAVIS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. John H. La Raia for over 37 years of dedicated military and Federal service.

Following his graduation from the University of Rochester in 1968, John joined the Air Force's Strategic Air Command in Southeast Asia. During his 5 years at this post, John served courageously and valiantly, flying in 155 missions. After completing his active duty, John continued to serve in the Air Force Reserves for an additional 21 years as a logistics plans officer.

Compelled to further serve his government and his Nation, John then began a career in the federal service at the Bureau of Naval Personnel. After his initial training period, he quickly rose through the ranks of the Bureau, serving in a variety of assignments dealing with financial management, systems analysis and both civilian and military personnel.

In 1999, he joined the Senior Executive Service as an assistant for administration to the Under Secretary of the Navy. Through this role John managed duties concerning the Navy's budget, human resources, manpower, facilities and services, IT services and various other functions for the secretary.

During his distinguished career he was awarded the Department of the Navy Distinguished Civilian Service Medal three times. Additionally, he received the Department of Defense Medal for Distinguished Civilian Service. Finally, last year he was recognized by President Bush and awarded the Presidential Rank of Meritorious Service.

Madam Speaker, in closing, I would like to commend and congratulate Mr. John H. La Raia for his distinguished career and his service to our Nation. He exemplifies everything our great Nation could hope for in a public servant. I call upon my colleagues to join me in congratulating Mr. La Raia and in wishing him continued success in the years to come.

TRIBUTE TO CORPORAL JEREMY R. GREENE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sadness and deep respect that I wish to commend Army Corporal Jeremy R. Greene for his bravery and his willingness to fight for his country. Corporal Greene was assigned to A Company 2nd Battalion, 87th Infantry Regiment, 10th Mountain Division out of Fort Drum, New York. In an unfortunate accident, Corporal Greene lost his life on Saturday, April 28, 2007, at Forward Operating Base Tillman in Afghanistan. His sacrifice for his country will forever be remembered by a community that has been struck hard by the devastating loss of one of its own.

A native of Springfield, Ohio, Jeremy graduated in 2001 from Shawnee High School in

Springfield, Ohio. Jeremy is remembered as being the adventurous type, always enjoying activities like rock climbing and rapelling. Based on his desire to participate in exciting activities, even as a child, it came as no surprise that he would eventually choose to join the military. In 2004, Jeremy enlisted in the United States Army and began his next adventure.

Corporal Greene felt tremendous pride for his country, and it will never be forgotten that he was willing to endanger his own life to protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. Corporal Greene enlisted in the United States Army being fully aware that danger could arise in any situation. He accepted this so the freedoms and values he treasured could be enjoyed by men, women, and children around the world.

For his efforts, Corporal Greene was awarded several military medals and honors, including: the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal, to name a few. In addition, to further exemplify his dedication and patriotism, Corporal Greene was posthumously awarded the Bronze Star Medal.

Although he loved his unit and his country, Jeremy treasured his family above all else. He is survived by his father, Richard Greene, of Springfield, Ohio, his mother, Cindy Greene (Mike White), of Oxford, Indiana, and two brothers, Mickey and Christopher Webster, as well as his loving nieces, Zoe, Sierra, and Jordan, whom Jeremy adored. Jeremy also leaves to cherish his memory many other friends and family members whose lives he has touched.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Corporal Jeremy R. Greene. He will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

THE RESERVISTS AND GUARDSMEN TAX RELIEF ACT OF 2007

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. WELDON of Florida. Madam Speaker, I rise to introduce the Reservists and Guardsmen Tax Relief Act of 2007. As Reservists and Guardsmen are activated, this can cause financial strains on many of them, and my legislation is meant to help provide some financial relief during the time in which they are called to active duty.

My bill would extend the penalty-free withdrawals from retirement accounts for Reservists and Guardsmen who are called to active duty for more than 179 days. This benefit is set to expire on December 31, 2007. My bill extends this benefit through December 31, 2008.

Under this tax benefit, Guardsmen and Reservists called to active duty can receive payments from their individual retirement accounts, 401(k) plans and 403(b) tax-sheltered annuities, without having to pay the 10 percent early-distribution surtax. Some Reservists and Guardsmen have already taken advantage of this benefit. While premature withdrawals from retirement accounts should be very carefully considered by anyone who has a retirement account, this proposal may assist in dealing with economic difficulties that may occur when a self-employed reservist, or any Reservist or Guardsman, is called to active duty service. This would be one way to allow them increased access to their money at a time when they are defending our liberties.

Some Reservists and Guardsmen, including small business owners and employees of small businesses, experience loss of income when they are called to active duty. The drop in income is real for many Reservists and Guardsmen. Removal of the early withdrawal penalty would be one way to help alleviate some of the income loss that a Reservist or Guardsman's family might suffer as a result of activation.

Our Reservists and Guardsmen should have access to their own money in order to help them make ends meet while activated. This is a small step to help out those who are serving in defense of our Nation. As a former active duty and reserve Army officer, I am committed to doing what I can to make active duty service easier for all of our servicemembers, both active and reserve.

IN SUPPORT OF THE BUX-MONT KATRINA RELIEF PROJECT

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is with great honor and personal gratitude that I recognize ther remarkable work of the Bux-Mont Katrina Relief Project (BMKP), whose organizers took bold initiative to provide much needed disaster relief services to Hancock County, Mississippi in the aftermath of Katrina Hurricane.

In partnership with the Salvation Army, the Bux-Mont Katrina Relief Project developed a community-to-community disaster response model. By creating a partnership between Bucks and Montgomery Counties in Pennsylvania and Hancock County in Mississippi, a $1.25 million child care center was created. Furthermore, homes were rebuilt, schools were repaired and community projects were aided. In addition, the University of Pennsylvania School of Society Policy and Practice is partnering with the BMKP to help fix the Hancock County human services system. Funding for these projects came solely from private and corporate donations and in-kind services.

Through outstanding effort and vision, this project brought hope to the Gulf Coast community by establishing a proactive disaster relief program. Madam Speaker, the experience gained by BMKP and its partner organizations has inspired them to present their program as a national disaster relief model designed to bring together the military, governmental agencies, regional groups and national organizations.

Madam Speaker, as you know, the victims of Hurricane Katrina have been slow to receive the necessary and promised support from our government. The Bux-Mont Katrina Relief Project has successfully provided private support to one community. Their disaster relief model, if promoted nationally, will expand on that success and greatly improve our Nation's ability to respond to man-made and natural disasters.

COPS IMPROVEMENT ACT OF 2007

SPEECH OF

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. SCHWARTZ. Mr. Speaker, I proudly rise today in support of the COPS Improvement Act.

Created by President Clinton, COPS grants have successfully put 117,000 police officers in our neighborhoods. The formula is simple—more cops means safer streets and more secure neighborhoods.

As a result of this tough-on-crime policy, our nation experienced a significant drop in crime rates throughout the 1990s. Unfortunately, last year the Republican-led Congress completely eliminated funding for this highly successful initiative.

It is no coincidence that when federal funds for COPS grants dried up, violent crime rates escalated. For example, last year the City of Philadelphia experienced a nine-year high in homicides, claiming 406 lives. This shamefully high number of homicides included my constituent, Police Officer Gary Skerski, who was shot while responding to a robbery.

Last week was the one-year anniversary of Officer Skerski's death, and we must not forget the sacrifices that he and the other officers have made to protect their communities.

That is why I am pleased that the Democratic Majority is taking steps to restore funding for COPS grants. As a result of this bill, we will put 50,000 new officers on our nation's streets, provide local law enforcement with additional tools and resources to combat crime, and better ensure that criminals are put behind bars.

Mr. Speaker, this legislation has been endorsed by the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs' Association. These men and women serve our constituents every day, and they rely on us to support them with necessary equipment and resources for essential personnel.

I thank my colleagues for protecting our citizens by voting ''yes'' on this important bill.

C.O.P.S IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H.R. 1700, The C.O.P.S Improvement Act. This legislation helps to put 50,000 more police officers on America's streets. This bill will add hundreds of new

cops to fight crime and terrorism in the 9th Congressional District and the City of Houston.

The C.O.P.S. hiring program was created in 1994 to put more police officers on America's streets, and has been one of the most successful law enforcement programs in our Nation's history. Nationally, C.O.P.S has provided $9 billion to hire 117,000 police officers. According to a GAO study, between 1998 and 2000, C.O.P.S. grants were a significant factor in reducing crimes by about 200,000 to 225,000 crimes—one third of which were violent. In 1998, C.O.P.S. grants were greatly responsible for an 8 percent decrease in crimes—and a 13 percent drop in violent crimes. The C.O.P.S. Improvement Act will breathe new life into the C.O.P.S. program nationwide.

Since 1994, 907 additional police officers and/or sheriff deputies have been hired in the 9th District of Texas, and over $64 million in C.O.P.S. grants have been awarded to law enforcement agencies in the 9th District of Texas. Passage of the C.O.P.S. Improvement Act of 2007 would likely add an additional $19 million into Texas' 9th District. This bill will also help to make our schools and children safer by adding 8 more school resource officers to the beat. In the last 13 years over $9 million in C.O.P.S. grants have been awarded to law enforcement agencies to purchase technology that enables agencies to put more officers on the beat in the 9th District.

Mr. Speaker, I have no doubt that the 5.7 percent drop in crime in the City of Houston is greatly due to the dedication of our city's hard-working men and women in uniform. Through their increased efforts Houstonians were safer from crime in 2006 than years before. I support the C.O.P.S Improvement Act, and am proud to increase the number of police officers and make our Nation a safer and better place to live.

IN MEMORIAL OF DONALD N. BUIE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Donald N. Buie of Sanford, North Carolina, who died Monday, May 7, 2007. In his passing I lost a good friend, and North Carolina lost one of its most outstanding citizens and a man who was instrumental in his church, community, county, and State.

One of the area's most beloved men, my friend Don, passed away peacefully with his family by his side following a brief battle with Creutzfeldt Jakob disease, a rare degenerative neurological disorder. He was only 63, Don loved hunting, raising beagles, barbecuing, and shagging the night away,

Don was a native of Western Harnett County and graduated from Benhaven High School in 1961. In 1965 Don received his undergraduate degree from East Carolina University in Physical Education and completed his master's degree from UNC-Chapel Hill in 1971, Don taught school in both Harnett and Lee County for 6 years. During this time, he coached basketball, baseball, and football. In 1973, he began working at Central Carolina Community College. During his tenure at CCCC, Don was very active in expanding its curriculum, finding new talent and bringing culture in Lee, Harnett, and Chatham Counties. Don retired from CCCC in 2002 as the Dean of Continuing Education.

Don served Lee County in many capacities, and when he joined an organization he typically became the leader. Don was the chairman of the Lee County Democratic party where he helped lead us to victory in past elections. He was also past president and member of the Sanford Rotary Club, past president and member of the Lee County Wildlife Club, the past president of the Lee County Farm Bureau, and a host of others. Don is survived by his lovely wife of 38 years, Jeanne Johnson Buie, and their three children Melanie Hawes, Dixie Simpson, and David Buie.

Madam Speaker, Donald Buie used every minute of his long and productive life to make the world a better place. He was a respected and successful coach, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

A TRIBUTE TO MARIO M. VITTONE COAST GUARD ENLISTED PERSON OF THE YEAR

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BUTTERFIELD. Madam Speaker it is with tremendous pride that I rise today to pay tribute to Petty Officer Mario M. Vittone of the United States Coast Guard. The Coast Guard selected him as the Coast Guard Enlisted Person of the Year for 2006. Officer Vittone demonstrated outstanding resourcefulness, leadership, and competence while serving at Coast Guard Air Station Elizabeth City, North Carolina from January 1, 2006 to December 2006.

While performing the demanding duties of a Night Shift Supervisor for the Aviation Survival Technician Shop as the Senior Duty Rescue Swimmer, he applied his experience in rescue swimmer procedures, aviation maintenance techniques, and team management toward creating a standard operating procedures handbook. A brilliant mentor, he also designed a web-based service-wide exam study guide for all members of the unit and conducted daily training sessions to aid them in exam preparation. His unmatched efforts directly improved the readiness posture of the entire station and helped junior Coast Guard personnel score higher on exams.

Petty Officer Vittone used his expertise to author more than eight separate articles in areas ranging from survival to leadership. An accomplished writer, many of his articles have been published and are used as a reference by the Leadership Development Center at the Coast Guard Academy. Most recently, one of his articles was submitted for publication in the Winter 2006 issue of On-Scene Magazine.

With his stellar reputation for instilling commitment to operational excellence, he has delivered inspirational speeches to graduating companies as well as visitors at Training Center Cape May. Repeatedly, his motivating words capture the audience's attention and draw compliments from attendees.

His selfless contributions go beyond the Coast Guard and are evident in the community. As a testament to his unquestionable character, he endured a rigorous screening process to be hand-selected as an advocate for abused and neglected children in the Virginia Court System.

Petty Officer Mario M. Vittone's previous awards include the Distinguished Flying Cross, Coast Guard Achievement Medal (3), Commandant's Letter of Commendation, Coast Guard Basic Training Honor Graduate, Coast Guard Rifle Expert Medal, Navy Good Conduct Medal, Navy Sea Service Deployment Ribbon and Coast Guard Good Conduct Medal (2). Through his exceptional achievement and performance, he has proven himself as a worthy and distinguished recipient of this award. His dedication, judgment, and devotion to duty are most heartily commended and uphold the highest traditions of the United States Coast Guard.

THANKING THE HONORABLE JAMES M. EAGEN III FOR HIS SERVICE TO THE HOUSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. HOYER. Madam Speaker, on the occasion of his retirement, I rise to thank James Eagen III, for 25 years of distinguished service to the House of Representatives.

Jay began his House career in 1982 as a Legislative Assistant and then Administrative Assistant to Representative Steve Gunderson of Wisconsin. From 1985 to 1991, he served as the Chief of Staff to Representative Bill Goodling of Pennsylvania. Following his Member office service, Jay assumed the role of Staff Director on the Committee on Education and Workforce—currently the Committee on Education and Labor. Jay served the Committee and Chairman Goodling for six years before being nominated and elected to the office of Chief Administrative Officer of the House. He was sworn in to this prestigious position on July 31, 1997.

Jay has served as Chief Administrative Officer in the last six Congresses, and under his leadership, the Office of the CAO dutifully fulfilled its mission to provide first-rate administrative, technical, and support services. During his tenure, the CAO achieved customer satisfaction ratings in the 90th percentile and set new benchmark standards for customer service by Government agencies. Thanks in large part to Jay, the CAO truly is a world-class organization.

Furthermore, the House achieved nine consecutive clean annual financial statement audits, and successfully responded to the anthrax contamination of House office buildings in 2001. Jay led efforts to strengthen the House's business continuity and disaster recovery readiness following the September 11 attacks, and to modernize the committee hearing rooms to upgrade broadcasting capabilities, which enhanced the House's ability to share the legislative process with a greater number of citizens across the country.

Jay Eagen has served the U.S. House of Representatives, and our Nation, with honor and distinction. And on behalf of our entire

community, I extend a heartfelt thank you to Jay and wish him many wonderful years as he moves on to the next phase of his life with his wife, Cathy, and son, Keiran.

ON TALMADGE E. KING, JR., M.D. OF UCSF RECEIVING THE EDWARD LIVINGSTON TRUDEAU MEDAL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. LEE. Madam Speaker, I rise to recognize and offer my personal congratulations to Talmadge E. King, Jr., MD. The American Thoracic Society has awarded Dr. King the Edward Livingston Trudeau Medal to recognize Dr. King's lifelong contribution to the prevention, diagnosis and treatment of lung disease. Dr. King, throughout his career, has made significant contributions to pulmonary medicine, in-patient care, research, specialty organization, and academic medicine.

As a scientist Dr. King has contributed greatly to the fundamental understanding of interstitial lung diseases. His contributions have served to bridge the gap between basic investigations and clinical science and have guided both research and clinical care. He has been instrumental in developing and leading rigorous clinical research in interstitial lung diseases. The studies, many of which involved multiple centers and were led by Dr King, have served to define specific diagnostic criteria and to determine the role of various tests in establishing a diagnosis. Dr. King has played a major role in creating the international classification system now used to make sense of the different interstitial lung diseases and also to define histological-radiographic correlations that now enable many diagnoses to be established without biopsy. Currently, Dr. King is involved in a reassessment of the histopathologic basis of classification that will permit even further refinements of therapeutic trials.

Dr. King has made great strides in clinical and academic medicine. He has been a member of the American Board of Internal Medicine, Subspecialty Board on Pulmonary Disease and is currently on the board of directors of the American Board of Internal Medicine, as well as serving as the ABIM representative to the American Board of Medical Specialties. He either has served or is currently serving on several NIH-wide advisory and/or governing groups, including the board of governors of the Clinical Center at NIH, the board of external advisors, and the advisory board for clinical research. Dr. King has received numerous awards and was recently named to the Institute of Medicine.

In all of these roles, Dr. King has not only excelled as a clinician and academic, but has taken a leading role in calling attention to the inequality of health care and lack of diversity in its own ranks. We expect Dr. King will have a significant and far-reaching impact. He has written about disparities in health care as, for example, with his editorial in the American Journal of Medicine, ''Inequality in health care: Unjust, inhumane, and unattended!'' More recently, Dr. King led a group of faculty at San Francisco General Hospital in writing a textbook devoted to diseases of vulnerable and underserved populations.

Dr. King continues to serve as a mentor to young enthusiastic investigators, obtaining funding and building a clinical base of operations and he continues to publish prodigiously.

Dr. King is recognized in the scientific community for his teaching and lecturing skills. He is prized as a lecturer all over the world. He is equally impressive when teaching students one-on-one as when lecturing to a packed crowd in the largest auditorium at an international meeting. During his career, he has trained many pulmonologists, a number of whom now have assumed leadership roles in academic pulmonary medicine and in the field of interstitial lung disease.

As a clinician, Dr. King is truly exceptional. He has incredible experience and clinical judgment honed by years of caring for patients with interstitial lung disease. In his interactions with patients, he demonstrates intelligence, skill and respect and, in so doing, inspires countless students to aspire to the role of clinician. His calm demeanor and straight-forward approach fosters near immediate rapport. He maintains the highest standards of excellence in patient care and expects that from all his colleagues and trainees. His professional competence has been recognized at all levels. He is on multiple lists of the finest doctors, such as the Top Doctors and Best Doctors in America. Above all, he is sought after for his opinions by pulmonary specialists all over the world. Dr. King is the epitome of the clinician's clinician.

It is truly my pleasure to join the American Thoracic Society in recognizing my constituent, Talmadge E. King, Jr., MD for his receipt of the prestigious Trudeau Award.

TRIBUTE TO JIM HORNAK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with deep sadness that I take this time to remember one of Northwest Indiana's most distinguished citizens, Jim Hornak of Hammond, Indiana. On Monday, May 14, 2007, Jim passed away at the age of 56 as the result of an automobile accident. Known for his commitment to his union and his community, Jim will surely be missed by his family, friends, and the people with whom he worked.

Always a champion of developing the minds of young people in the community, Jim served as School Board President for the School City of Hammond. As a member of the board, Jim was fully committed to establishing and continuing educational programs that would afford the children of Hammond with the best opportunity for a productive future. Jim was focused on providing students the tools necessary to be successful in their academic careers. Furthermore, Jim was a firm believer that in order for students to achieve success and reach their full potential, they need the best teachers to serve as their guides. For this reason, Jim was a strong advocate for these teachers when it came to their professional development, and he constantly sought opportunities that would help make them better and more efficient in their position to help shape their students' futures.

Not only was Jim focused on improving his community's school system, he also played a major role in the betterment of his union, Carpenters Local 1406. Though he retired in 2006, Jim was a true leader among the carpenters of Northwest Indiana. For 20 years, Jim served as a business agent for the union. During that time, he also served as a board member for regional organizations and the Northwest Indiana Joint Carpenters Apprentice Program, as well as President of the Northwest Indiana District Council of the United Brotherhood of Carpenters and Joiners of America.

From his involvement in improving the school system in Hammond to his unwavering commitment to his fellow carpenters, Jim always has been a pillar of the Northwest Indiana community. Evidence of his devotion to his community was further demonstrated in his service as board chairman for the Millennium Project and his participation in several organizations, including: the Pirates, Lake Area United Way, Calumet Project for Industrial Jobs, Hammond Parks Foundation, and the Hammond Education Foundation.

Jim's commitment to the community and his colleagues is matched only by his devotion to his family. Jim leaves to cherish his memory his wife, State Senator Linda Lawson; parents, Paul and Theresa Hornak; sister, Paula (David) Barancyk; and daughters, Heather Hornak, Jennifer (Jeff) Bacino, and Laura Wozniak. Jim's adoring grandchildren, Jake Hornak, Maya Strong, and Genavive Bacino, also will treasure the memories of their grandpa, as will many other family members, colleagues, and friends whose lives he has touched.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mr. James Hornak for his outstanding devotion to his community. His dedication to his family, friends, colleagues, and to all students in Hammond, Indiana, is worthy of the highest admiration. Jim's selflessness, his commitment to improving educational opportunities for children and improving the workplace for his fellow union members, as well as his devotion to his family are an inspiration to us all, and he will sorely be missed.

HONORING PRINCE WILLIAM COUNTY PUBLIC SCHOOLS' YOUTH ART MONTH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to celebrate the efforts of Prince Wiilliam County Public Schools during the 2007 Youth Art Month.

Youth Art Month is an annual effort to recognize and promote art education in schools across the country. Specifically, this program seeks to emphasize the importance and benefits of incorporating art into youth education. Since 1984, the Council for Art Education has acted as a primary sponsor of Youth Art Month alongside fellow organizations, such as the National Art Education Association, to consistently make this effort a success.

Prince William County has a strong tradition of promoting art education and has been celebrating Youth Art Month for 29 years. The Virginia Art Education Association, working in concert with Prince Williams County Public Schools, selected ''Start with Art, Learn for Life'' as the 2007 theme and launched this year's celebration on March 10, 2007, by exhibiting student artwork on the Manassas Mall. This year's Youth Art Month saw tremendous participation from county elementary, middle, and high schools and highlighted the works of many talented student artists.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who contributed to making this year's Youth Art Month a success. I ask my colleagues to join me in applauding this group of remarkable young artists and congratulate them on a job well done.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I was absent from the House of Representatives last week due to the birth of my son, I would like to state how I would have voted on the following pieces of legislation if I had been able to be present:

H.R. 1873, to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, rollcall No. 319, ''yea''; rollcall No. 320, ''yea''; rollcall No. 321, ''yea''; rollcall No. 322, ''yea''; rollcall No. 323, ''yea'';

H.R. 1684 To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, rollcall No. 314, ''nay''; rollcall No. 315, ''nay''; rollcall No. 316, ''nay''; rollcall No. 317, ''yea''; rollcall No. 318, ''yea.''

Ordering the Previous Question for H.R. 2082, Intelligence Authorization Act, rollcall No. 324, ''nay.''

Providing for the consideration of H.R. 2082, Intelligence Authorization Act, rollcall No. 325, ''nay.''

Providing for the consideration of H.R. 2237, H.R. 2206, and H.R. 2207, on ordering the previous question, rollcall No. 326, ''nay.''

Providing for the consideration of H.R. 2237, H.R. 2206, and H.R. 2207, on agreeing to the resolution rollcall No. 327, ''nay''; on holding a secret session rollcall No. 328, ''yea.''

H.R. 2237, to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, motion to recommit, rollcall No. 329, ''yea''; on passage, rollcall No. 330, ''nay''; on holding a secret session rollcall No. 331, ''yea.''

H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, rollcall No. 332, ''yea''; rollcall No. 333, ''nay''; on motion to table the motion to hold a secret session, rollcall No. 334, ''nay.''

H.R. 2207, making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, on motion to recommit with instructions, rollcall No. 335, ''nay''; on passage rollcall No. 336, ''yea.''

H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, rollcall No. 337, ''yea''; rollcall No. 338, ''yea''; rollcall No. 339, ''nay''; motion to recommit, rollcall No. 340, ''yea''; final passage, rollcall No. 341, ''nay.''

ENERGY SAVINGS AMENDMENT TO H.R. 1427

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing the ''Energy Saving Mortgages Amendment'' to H.R. 1427. This amendment calls on Fannie Mae and Freddie Mac work with lenders to quantify a household's monthly savings for purchasing an energy-efficient home or from living in a neighborhood providing transit and other transportation alternatives and shifts those savings into the ''shelter'' category of expenses. The amendment forces lenders to recognize the added purchasing power homebuyers generate by saving on energy and transportation costs. This allows the homebuyer, based on their enhanced buying power, either to qualify for a mortgage or to qualify for a larger mortgage.

By requiring lenders to quantify these savings, the amendment helps lower-income or first-time homebuyers qualify for mortgages to purchase homes located in transit-friendly locations or for homes that incorporate greater energy efficient building technologies. It also increases the lending ceiling for homebuyers purchasing a home in a neighborhood that allows for transportation savings from access to transit or other forms of transportation and for home buyers purchasing an energy efficient home.

THE COPS IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. HOLT. Mr. Speaker, I rise today in strong support of The C.O.P.S. Improvements Act of 2007, H.R. 1700. I am a proud cosponsor of this legislation that would allow The Community Oriented Policing Services (C.O.P.S.) program to hire an additional 50,000 police officers to walk the beat in our local communities.

The creation of the C.O.P.S. program was a breakthrough in law enforcement. By funding additional officers, critical technologies, and valuable training, C.O.P.S. has been a catalyst for the revolutionary shift to community policing. However, limits on hiring new officers has hindered the ability of the C.O.P.S. program to address the rise in violent crime.

Between 1995 and 2005, the C.O.P.S. program helped put 117,000 additional officers on the beat across every state and in most communities in our Nation. Unfortunately, in 2006 the then Republican-led Congress decided to eliminate the ability of this program to help hire additional law enforcement officers. This was a tragic mistake.

According to the General Accountability Office ''C.O.P.S. funded increases in sworn officers per capita were associated with the declines in rates of total index crimes, violent crimes, and property crimes.'' The same GAO study showed that between the years of 1998 and 2000, C.O.P.S. hiring grants were responsible for reducing crime by about 200,000 to 225,000 incidents—one third of which were violent.

It is appropriate that in the wake of the tragic events at Virginia Tech, we are reauthorizing the C.O.P.S. program and restoring the program's ability to help local law enforcement agencies hire additional police officers. Earlier this week, I met with state and local law enforcement officials, school safety officers, and gun control advocacy organizations to learn what more the Federal Government should be doing to prevent gun crime. All the participants understood the importance of the C.O.P.S. program and the positive effect that community oriented policing has had on crime rates.

Across the state of New Jersey, approximately 4,790 officers were hired by local police departments using C.O.P.S. funds. This meant an additional 628 police officers and/or sheriff deputies walking the beat in the local communities of my Congressional District. Further, 33 school resource officers were hired to ensure that our children's schools are safe.

A Congressional Report, indicates that when The C.O.P.S. Improvements Act of 2007 becomes law there will be 268 more police officers on the beat, approximately $13 million more for law enforcement grants, 14 additional school resource officers, and an additional $3.6 million in technology grants for law enforcement officers in the 12th Congressional District.

This legislation has been endorsed by the International Association of Chiefs of Police, the National Sheriff's Association, the Fraternal Order of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, and the National League of Cities.

The C.O.P.S. program and community policing have put us on the right track. The police chiefs and sheriffs in my district consistently tell me that we could have never achieved this much without the additional officers and technology funded under the COPS program.

Mr. Speaker, we cannot afford to under fund this program anymore. The COPS program has been vital to our local communities. Our police departments can do only so much with the resources they are given. At a time when we are asking our law enforcement officers to do more to reduce crime and protect our hometowns from potential terrorist related threats we should do everything we can to increase the funding of the COPS program. H.R. 1700 is an essential first step.

TRIBUTE TO DR. ROBERT (BOB) UBBELOHDE AND MRS. SUSAN UBBELOHDE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor two of my constituents who together have dedicated nearly 40 years of service to one of the great educational institutions in Michigan's Upper Peninsula (U.P.): Finlandia University. This week, Finlandia University President Dr. Robert (Bob) Ubbelohde and Mrs. Susan Ubbelohde, the manager of ''North Wind Bookstore'' at Finlandia University, will both retire.

Dr. and Mrs. Ubbelohde first came to the U.P. in 1988 when Dr. Ubbelohde was named Dean of Faculty at Suomi College (later to become Finlandia University) in Hancock, Michigan. In 1991, Dr. Ubbelohde was named the 15th president of Suomi College.

When they came to the U.P., the Ubbelohdes did not expect to remain at Finlandia University for 20 years. In fact, as a self-described ''city person,'' Dr. Ubbelohde has been known to say that he expected to stay in the U.P. only three to five years. However, the Ubbelohdes fell in love with Hancock, Michigan, with the local area, which is commonly referred to as the Copper Country, and with Finlandia University itself.

Dr. Ubbelohde's contributions to Finlandia University cannot be overstated. In fact, as much if not more than any other single person, he can be credited with saving and revitalizing the school. When Dr. Ubbelohde came to what was then Suomi College, he inherited an institution that, while enjoying a rich history, faced an uncertain future. Enrollment was declining by 8 percent a year. By Dr. Ubbelohde's own admission, the administration of the school at the time even contemplated whether to close the school altogether. Thankfully, under Dr. Ubbelohde's guidance, the decision was made to keep the school open and to move the institution forward.

Under Dr. Ubbelohde's leadership, new programs were adopted at Suomi College and the school was largely re-vamped. In 1996, after being in existence for 100 years, the school was transformed from a two-year college offering, to a baccalaureate degree-granting university and was re-named Finlandia University. In 1998, athletics were re-introduced to the school, further strengthening the school's reputation. Over the past 10 years, thanks to Dr. Ubbelohde's vision, the school has enjoyed a 65 percent increase in student enrollment, major upgrades to campus technology and capital improvements.

Although Finlandia University has thrived under Dr. Ubbelohde's leadership, this humble man is perhaps best known for his passion for seeing students grow, learn and succeed. When asked what his greatest accomplishment is, he tellingly replies, ''I don't even think that way. What I think about are students crossing the stage at Commencement to receive their diplomas. I can't claim to know the life story of each student, but I've learned enough about our students to know when a graduate has overcome or accomplished something extraordinary to earn that degree.''

Just as Dr. Ubbelohde has done great things as the President of Finlandia University, Mrs. Ubbelohde has also contributed significantly to the university and to the surrounding community. While Dr. Ubbelohde served as the University President, Mrs. Ubbelohde has earned a well deserved reputation as the ''ideal first lady'' for the university. Well regarded for her warmth, kindness, grace and hospitality, Mrs. Ubbelohde has made friends throughout the community and acted as an ambassador for the school.

Mrs. Ubbelohde managed North Wind Books, the university bookstore that was founded under Dr. Ubbelohde's administration. North Wind Books not only supplies Finlandia University students their books, but is in many ways a cultural center for Finlandia University, offering Finnish rugs, tablecloths, Finnish books and other items that celebrate the Finnish traditions that the university honors. Under Mrs. Ubbelohde's management, North Wind Books has grown. Today, the thriving store continues to serve as a resource for students, teachers, Finlandia University alumni and visitors. Just as Dr. Ubbelohde has left his mark on Finlandia University in many ways, Mrs. Ubbelohde leaves a legacy in North Wind Books, which will be enjoyed by many future generations of Finlandia University Lions.

Madam Speaker, Finlandia University is in many ways a special place. It is a place that cultivates character among young people, provides them a first-rate education, while embracing traditional Finnish values and teaching in the tradition of the Lutheran faith. Because of Dr. Robert Ubbelohde's and Mrs. Susan Ubbelohde's leadership, Finlandia University will continue to grow and prosper for years to come. While they will be missed at Finlandia University by the students and staff, this retirement is well deserved. Madam Speaker, I would ask that you and the entire U.S. House of Representatives join me in congratulating Dr. Robert and Mrs. Susan Ubbelohde on their well deserved retirement and in thanking them for their decades of service to higher education.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

10:30 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine growth trends in health care premiums for active and retired federal employees.
SD–342

MAY 21

Time to be announced
Homeland Security and Governmental Affairs
To hold hearings to examine S.1352, to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building'', H.R. 1402, to designate the facility of the United States Postal Servicelocated at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building'', H.R. 414, to designate the facility of the United States Postal Servicelocated at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the ''Miguel Angel Garcia Mendez Post Office Building'', H.R. 625, to designate the facility of the United States Postal Servicelocated at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office'', H.R. 988, to designate the facility of the United States Postal Servicelocated at 5757 Tilton Avenue in Riverside, California, as the ''Lieutenant Todd Jason Bryant Post Office'', H.R. 437, to designate the facility of the United States Postal Servicelocated at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office'', and the nomination of Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.
S–216, Capitol

2 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: A New Vision for Medical Research.
SD–116

MAY 22

Time to be announced
Veterans' Affairs
Business meeting to markup the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
Room to be announced

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine the progress of the Mine Improvement and New Emergency Response Act (Public Law 109–236).
SD–628

Finance
To hold hearings to examine tax policy in the pipeline, focusing on oil and gas.
SD–215

Foreign Relations
To hold hearings to examine the nominations of James R. Keith, of Virginia, to be Ambassador to Malaysia, Miriam K. Hughes, of Florida, to be Ambassador to the Federated States of Micronesia, Hans G. Klemm, of Michigan, to be Ambassador to the Democratic Republic of Timor-Leste, and Cameron R. Hume, of New York, to be Ambassador to the Republic of Indonesia.
SD–419

Judiciary
To hold hearings to examine restoring habeas corpus, focusing on protecting American values and the Great Writ.
SD–226

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold joint hearings with the House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia to examine Government Accountability Office Personnel reforms, focusing on expectations.
2154RHOB

Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–232A

Small Business and Entrepreneurship
To hold hearings to examine minority entrepreneurship, focusing on the effectiveness of the Small Business Administration programs for the minority business community.
SR–428A

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

12:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air service to small and rural communities.
SR–253

Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S.645, to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals, S.838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, S.1089, to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, S.1203, to enhance the management of electricity programs at the Department of Energy, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, and H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.
SD–366

Environment and Public Works
To hold hearings to examine the case for the California waiver.
SD–406

3 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine implementing Federal Emergency Management Agency (FEMA) reform, focusing on the preparation for the 2007 hurricane season.
SD–342

4 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

5:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–232A

MAY 23

9:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine rising crime in the United States, focusing on the federal role in helping communities prevent and respond to violent crime.
SD–226

Veterans' Affairs
To hold hearings to examine health legislation.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, taxation and federalism.
SR–253

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

1:30 p.m.
Judiciary
To hold hearings to examine S.1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, focusing on ending taxation without representation.
SD–226

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

Banking, Housing, and Urban Affairs
Security and International Trade and Finance Subcommittee
To hold hearings to examine United States economic relations with China, focusing on strategies and options on exchange rates and market access.
SD–538

MAY 24

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.
SR–253

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine federal real property, focusing on the property management problems highlighted in a recent Government Accountability Office report.
SD–342

Commission on Security and Cooperation in Europe
To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.
B318RHOB

3 p.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine issues relative to residents of Louisiana affected by Hurricane Katrina or Rita, focusing on the goals, costs, management and impediments facing Louisiana's Road Home Program.
SD–342

JUNE 13

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SD–562

10 a.m.
Rules and Administration
To hold hearings to examine nominations to the Federal Election Commission.
SR–301

JUNE 27

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs and the Department of Defense, focusing on cooperation on employment issues.
SD–562

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1495, Water Resources Development Act.

Senate

Chamber Action

Routine Proceedings, pages S6157–S6214

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 1405–1416, and S. Res. 203–205. **Pages S6192–93**

Measures Passed:

Water Resources Development Act: By 91 yeas to 4 nays (Vote No. 170), Senate passed H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, after taking action on the following amendments proposed thereto: **Pages S6157–84**

Adopted:

McConnell (for Cochran) Amendment No. 1135 (to the language proposed to be stricken by Amendment No. 1065), to express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007. **Page S6158**

Boxer/Inhofe Amendment No. 1145 (to Amendment No. 1065), to modify certain provisions relating to water resources development projects. **Pages S6177–84**

Boxer/Inhofe Amendment No. 1065, in the nature of a substitute. **Page S6158**

Withdrawn:

Reid (for Feingold/Reid) Amendment No. 1098 (to Amendment No. 1097), to provide for a transition of the Iraq mission. **Pages S6158, S6166**

Reid (for Levin/Reid) Amendment No. 1097 (to the language proposed to be stricken by Amendment No. 1065), to provide for military readiness and benchmarks relative to Iraq. Subsequently, a unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the amendment, be vitiated. **Pages S6158, S6166**

Warner/Collins Amendment No. 1134 (to the language proposed to be stricken by Amendment No. 1065), relative to the President's strategy in Iraq. **Pages S6158, S6167**

During consideration of this measure today, Senate also took the following action:

By 29 yeas to 67 nays (Vote No. 167), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the Reid (for Feingold/Reid) Amendment No. 1098. **Page S6166**

By 52 yeas to 44 nays (Vote No. 168), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the Warner/Collins Amendment No. 1134 (to the language proposed to be stricken by Amendment No. 1065). **Pages S6166–67**

By 87 yeas to 9 nays (Vote No. 169), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed the motion to close further debate on the McConnell (for Cochran) Amendment No. 1135 (to the language proposed to be stricken by Amendment No. 1065). **Pages S6167–68**

Senate insisted on its amendment and requested a conference with the House thereon. **Page S6182**

Use of Capitol Grounds: Senate agreed to H. Con. Res. 79, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. **Page S6212**

Use of Capitol Grounds: Senate agreed to H. Con. Res. 123, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run. **Page S6212**

National Women's Health Week: Senate agreed to S. Res. 204, expressing the sense of the Senate with regard to the importance of National Women's Health Week, which promotes awareness of diseases

that affect women and which encourages women to take preventive measures to ensure good health.

Pages S6212–13

National Internet Safety Month: Senate agreed to S. Res. 205, designating June 2007 as "National Internet Safety Month". **Page S6213**

National Children and Families Day: Committee on Health, Education, Labor and Pensions was discharged from further consideration of H. Con. Res. 62, supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and the resolution was then agreed to. **Page S6213**

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at 9:30 a.m., on Thursday, May 17, 2007, Senate resume consideration of H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007; that if cloture is invoked on Reid/McConnell Amendment No.1123, that all other amendments and motions be withdrawn, the substitute amendment be agreed to, the bill be read a third time and Senate vote on final passage of the bill, and that Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees. **Page S6214**

The motion to invoke cloture on the bill was withdrawn. **Page S6214**

Concurrent Budget Resolution Conference Report—Agreement: A unanimous-consent agreement was reached providing that upon disposition of H.R. 2206, Senate begin debate on the conference report to accompany S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, notwithstanding the receipt of the papers, and that the time until 3 p.m., on Thursday, May 17, 2007 be equally divided between the Chairman and Ranking Member of the Committee on the Budget, or their designees; that at 3 p.m., Senate vote on adoption of the conference report to accompany S. Con. Res. 21, notwithstanding the receipt of the papers, provided the House has adopted the conference report by that time; provided further, that if the House has not acted by that time, Senate vote be delayed until the House has adopted the conference report; that if the House does not act on Thursday, May 17, 2007, that there remain 1 hour each for the Chairman and Ranking Member of the Committee on the Budget to use prior to the vote on the conference report whenever Senate does consider the conference report and that it be in order to consider it notwithstanding the provisions of rule XXII. **Page S6214**

Nominations Received: Senate received the following nominations:

Elizabeth A. Duke, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1998.

Larry Allan Klane, of the District of Columbia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

Randall S. Kroszner, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2008.

Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for a term expiring January 19, 2013 (Recess Appointment).

Lorne W. Craner, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Alan J. Patricof, of New York, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2009 (Recess Appointment).

Susan E. Dudley, of Virginia, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (Recess Appointment). **Page S6214**

Messages from the House: **Page S6190**

Measures Referred: **Page S6190**

Measures Placed on the Calendar: **Page S6190**

Executive Communications: **Pages S6190–92**

Executive Reports of Committees: **Page S6192**

Additional Cosponsors: **Pages S6193–94**

Statements on Introduced Bills/Resolutions: **Pages S6194–S6201**

Additional Statements: **Pages S6188–90**

Amendments Submitted: **Pages S6201–11**

Authorities for Committees to Meet: Pages S6211–12

Privileges of the Floor: Page S6212

Record Votes: Four record votes were taken today. (Total—170) Pages S6166, S6167, S6168, S6182

Adjournment: Senate convened at 9 a.m., and adjourned at 6:45 p.m., until 9:30 a.m. on Thursday, May 17, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6214.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: U.S. SECURITIES AND EXCHANGE COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the United States Securities and Exchange Commission, after receiving testimony from Christopher Cox, Chairman, United States Securities and Exchange Commission.

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense received testimony from sundry public witnesses requesting funding for programs in the Department of Defense appropriations bill for fiscal year 2008.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States;

An original bill to make technical corrections to SAFETEA–LU and other related laws relating to transit;

An original bill to amend the penalty provisions in the International Emergency Economic Powers Act;

H.R. 1675, to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors;

H.R. 1676, to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing;

S. 254, to award posthumously a Congressional gold medal to Constantino Brumidi; and

The nominations of David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury for Financial Institutions, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, and Nguyen Van Hanh, of California, and David George Nason, of Rhode Island, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following items:

S. 1300, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, with amendments;

S. 694, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, with an amendment in the nature of a substitute; and

The nomination of David James Gribbin, IV, of Virginia, to be General Counsel of the Department of Transportation and a promotion list in the United States Coast Guard.

MERCURY

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the state of mercury regulation, science, and technology, after receiving testimony from Douglas P. Scott, Illinois Environmental Protection Agency, Springfield; Alissa Wolfe, New Jersey Department of Environmental Protection, Trenton; David C. Schanbacher, Texas Commission on Environmental Quality, Austin; Martha Hastay Keating, Duke University Children's Environmental Health Initiative, Durham, North Carolina; Guy L. Pipitone, FirstEnergy Corporation, Akron, Ohio; David C. Foerter, Institute of Clean Air Companies, Washington, DC; and Leonard Levin, Electric Power Research Institute, Palo Alto, California.

U.S. TRADE PREFERENCE PROGRAMS

Committee on Finance: Committee concluded a hearing to examine the efficacy of United States trade preference programs, after receiving testimony from Meredith Broadbent, Assistant United States Trade Representative for Industry, Market Access, and Telecommunications; Muhammad Yunus, Grameen Bank, Dhaka, Bangladesh; Eric Reinhardt, Emory University, Atlanta, Georgia; Marcos Iberkleid, Ametex, La Paz, Bolivia; and Katrin Kuhlmann, Women's Edge Coalition, Washington, DC.

INTERNET DRUG TRAFFICKING

Committee on the Judiciary: Committee concluded a hearing to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking, including S. 980, to amend the Controlled Substances Act to address online pharmacies, and S. 399, to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program, after receiving testimony from Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice; Francine Hahn Haight, Ryan's Cause, Laguna Niguel, California; Joseph A. Califano, Jr., Columbia University, New York, New York; Philip B. Heymann, Harvard Law School, Cambridge, Massachusetts; and A. Thomas McLellan, Treatment Research Institute, Philadelphia, Pennsylvania.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act, with an amendment in the nature of a substitute.

NOMINATION

Committee on Veterans Affairs: Committee concluded a hearing on the nomination of Michael J. Kussman, of Massachusetts, to be Under Secretary of Veterans Affairs for Health, after the nominee, who was introduced by Senator Akaka, testified and answered questions in his own behalf, and after receiving testimony from Darrell G. Kirch, Association of American Medical Colleges, and Robert E. Wallace, Veterans of Foreign Wars of the United States, both of Washington, D.C.; Frederick J. Frese III, National Alliance on Mental Illness, Arlington, Virginia; and Douglas H. Mitchell, Jr., Association of VA Social Workers, Mesa, Arizona.

MEDICARE ADVANTAGE

Special Committee on Aging: Committee concluded an oversight hearing to examine the sales and marketing by Medicare health plans, including Medicare Advantage organizations and Medicare Part D prescription drug plan sponsors, after receiving testimony from Abby L. Block, Director, Center for Beneficiary Choices, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Sean Dilweg, Wisconsin Insurance Commissioner, Madison; Kim Holland, Oklahoma Insurance Commissioner, and Albert Sochor, Old Surety Life Insurance Company, both of Oklahoma City; Sherry Mowell, Georgia Office of the Insurance and Safety Fire Commissioner, Atlanta; Karen Ignagni, America's Health Insurance Plans, Washington, D.C.; Heidi Margulis, Humana Inc., Louisville, Kentucky; Peter J. Clarkson, UnitedHealth Group, Minnetonka, Minnesota; and Gary Bailey, WellCare Health Plans, Inc., Tampa, Florida.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2336–2355; and 3 resolutions, H. Con. Res. 149; and H. Res. 410–411 were introduced. **Pages H5290–91**

Additional Cosponsors: **Pages H5292–94**

Reports Filed: Reports were filed today as follows:

Conference report on S. Con. Res. 21, a resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (H. Rept. 110–153);

H.R. 811, to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, with an amendment (H. Rept. 110–154);

H.R. 698, to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, with an amendment (H. Rept. 110–155); and

H. Res. 409, providing for consideration of the conference report to accompany the concurrent resolution S. Con. Res. 21 setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (H. Rept. 110–156). **Page H5290**

Committee Resignations: Read a letter from Representative Calvert wherein he resigned from the Committee on Armed Services, the Committee on Science and Technology, and the Committee on Natural Resources due to his election to the Committee on Appropriations. **Page H5060**

Motion to Adjourn: Rejected the Buyer motion to adjourn by a yea-and-nay vote of 161 yeas to 253 nays, Roll No. 350. **Pages H5066–67**

Motion to Adjourn: Rejected the Davis (KY) motion to adjourn by a yea-and-nay vote of 157 yeas to 245 nays, Roll No. 353. **Page H5071**

National Defense Authorization Act for Fiscal Year 2008: The House began consideration of H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2008. Further consideration is expected to resume Thursday, May 17th.

Pages H5060–71, H5127–H5282

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H5149**

Rejected the Price (GA) motion that the Committee rise by a recorded vote of 177 ayes to 219 noes, Roll No. 355. Earlier, a vote was called pending the absence of a quorum, and, subsequently 397 members recorded their presence, Roll No. 354.

Pages H5128–31

Rejected the Westmoreland motion that the Committee rise by a recorded vote of 184 ayes to 222 noes, Roll No. 357. Earlier, a vote was called pending the absence of a quorum, and, subsequently 393 members recorded their presence, Roll No. 356.

Pages H5132–35

Rejected the Westmoreland motion that the Committee rise by a recorded vote of 186 ayes to 213 noes, with 1 voting ''present'', Roll No. 359. Earlier, a vote was called pending the absence of a quorum, and, subsequently 407 members recorded their presence, Roll No. 358. **Pages H5135–41**

Rejected the Buyer motion that the Committee rise by a recorded vote of 178 ayes to 217 noes, Roll No. 361. Earlier, a vote was called pending the absence of a quorum, and, subsequently 403 members recorded their presence, Roll No. 360.

Pages H5141–43

Rejected the Buyer motion that the Committee rise by a recorded vote of 188 ayes to 221 noes, Roll No. 363. Earlier, a vote was called pending the absence of a quorum, and, subsequently 398 members recorded their presence, Roll No. 362. **Page H5143**

Agreed to:

Schakowsky amendment (No. 33 printed in H. Rept. 110–151) that edits sections 831 and 833 of the bill by (1) limiting the number of times the President can waive restrictions on contracting should the Memorandum of Understanding regarding contracts for Iraq and Afghanistan not be completed; (2) clarifying that members of Congress on the relevant Committees can view contracts regardless of the MOU, as well as the database of contract information for work to be performed in Iraq and Afghanistan; and (3) clarifying that the Select Intelligence Committees shall be allowed to view contracts that fall under their jurisdiction;

Pages H5241–43

Fossella amendment (No. 29 printed in H. Rept. 110–151) that requires the Secretary of Defense, in consultation with the United States Postal Service, to provide vouchers for free (less than 10 lbs) parcel or letter mailing to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces; **Pages H5243–44**

Skelton en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 110–151: No. 5, that increases funding for the Army National Guard military personnel account to fund the Yellow Ribbon Reintegration Program; No. 9, that bars courts from entering or modifying an order changing the custody of the child of a servicemember during that servicemember's period of military service; No. 10, that expands to all the uniformed services the authority for an enhanced increase in the monthly basic pay during fiscal years 2009 through 2012; No. 17, that creates a Combat Medevac Badge; No. 18, that allows the Secretary of the Navy to establish a Naval ROTC program at the University of Miami; No. 26, that requires the Secretary of Defense to conduct a survey examining the feasibility of measuring family member satisfaction with the quality of health care services provided to patients; No. 27, that allows a member of the Armed Forces to request a deferment of a deployment to a combat zone if their spouse is deployed to a combat zone and the couple has minor dependent children; No. 36, that revises DoD command policy to include membership in a criminal street gang among the list of prohibited activities by

members of the Armed Forces; No. 37, that expresses the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces who lost their lives in the air crash at Bakers Creek, Australia; No. 47, that requires the Secretary of Defense to conduct a study on the feasibility of a pilot program on family support services for National Guard and Reserve members and the feasibility of entering into a contract with a private sector entity to enhance support services for children; No. 48, that requires the Secretary of the Defense to provide a written, voluntary authorization form to servicemembers to enable them to release their medical records to the Veterans Administration; and No. 50 that requiers the Department of Defense of study and report to the House and Senate Armed Services Committees within 9 months on the participation rate of servicemembers in the federal tuition assistance program;

Pages H5244–49

Israel amendment (No. 38 printed in H. Rept. 110–151) that expresses the Sense of Congress that the U.S. and the Government of Chad should upgrade the Abeche Airfield in Chad in order to support potential NATO operations, facilitate a future U.N. deployment to Chad and the Darfur region of Sudan and to support humanitarian operations;

Pages H5254–55

Skelton en bloc amendment No. 2 consisting of the following amendments printed in H. Rept. 110–151: No. 2, that requires DoD to perform Federal background checks for all unescorted visitors who seek entry to a military installation or facility; No. 3, that requires the Secretary of Transportation to submit a report identifying the non-retention vessels with the highest risk for environmental damage to local waters if further deterioration continues and a plan to dispose of these vessels; No. 6, that would strike section 233, which authorizes $10 million for the Army Capital Fund demonstration; No. 12, which provides $169,000,000 of medical military construction support at Fort Belvoir and Bethesda; No. 13, which requires the Secretary of the Air Force to submit a report to the Congressional defense committees containing a plan for the current and future assets at the Niagra Air Reserve Base; No. 22, that requires that the transportation infrastructure necessary to accommodate the large influx of military personnel and civilian employees to be assigned to Fort Belvoir, VA be substantially completed before the relocation of these employees; No. 23, that requires the Secretary of Defense to study and report back to Congress on the financial and emotional impact of multiple deployments on the families who serve multiple tours; No. 24, that requires the Secretary of Defense to take necessary steps to ensure that Army National Guard and Reserve ROTC scholarships are available to students attending historically black colleges and universities, and Hispanic-serving institutions; No. 25, that extends by three years the authorization for the DoD to participate in the Information Technology Exchange Program; No. 39, that directs the Secretary of Defense to study commercial optimization solutions in aviation technology and make any recommendations that would best support the mission of the Department; No. 44, that restricts the use of the name or image of a member of the Armed Forces for commercial purposes without written permission from the soldier (or from the family if the soldier is deceased); No. 45, that requires the DoD to utilize lighting fixtures and bulbs that are energy efficient; and No. 46, that provides that employees covered by FMLA, whose family member is a member of the Armed Forces and has been called to active duty, may use FMLA leave to deal with exigencies arising from that call of duty; **Pages H5255–62**

Stupak modified amendment (No. 20 printed in H. Rept. 110–151) that requires the Department of Defense to transport remains of service members by air to the airport nearest to the intended place of burial; **Pages H5262–63**

Carney amendment (No. 49 printed in H. Rept. 110–151) that expresses the sense of Congress that Guard and Reserve members should have up to ten years to use their education benefits; **Pages H5263–64**

Sessions amendment (No. 31 printed in H. Rept. 110–151) that clarifies that nothing in this legislation would prevent the United States' missile defense capabilities from being placed on operational alert to respond to an immediate, threat posed by ballistic missiles; **Pages H5271–72**

Skelton en bloc amendment No. 3 consisting of the following amendments printed in H. Rept. 110–151: No. 4, that adds Mexico and the Dominican Republic to the list of countries to which the DoD may provide non-lethal equipment to support counter-narcotics operations; No. 19, that states Congress's findings that Modeling, Analysis, and Simulation Technology has become an essential component of national defense and states that it is important for the DoD to study the effects of warfare and disasters on urban environments; No. 28, that requires the Secretary of Defense to report to Congress on the Department's policies on administering and evaluating multiple vaccinations within a 24-hour period to active duty members and members of the reserve components; No. 34, that mandates that the Office of the Secretary of Defense report to Congress on its plans to implement management software that can measurably reduce energy consumption

of PC's; No. 35, that adds $10 million to Defense-wide research, development, test and evaluation for the X Lab battlespace laboratory; No. 40, that requires that the Moab uranium mill tailings pile be remediated; and No. 42, that requires the Secretary of Defense to conduct a thorough review of the procedures by the Department's existing classification procedures have failed to prevent the transfer of defense articles and defense services with military technology components to terrorists, state sponsors of terrorism, or other unfriendly countries or groups;

Pages H5278–80

Andrews modified amendment (No. 7 printed in H. Rept. 110–151) that requires DoD to use renewable energy to meet at least 25% of its electricity needs by 2025, unless the Secretary determines a waiver is in the best interest of DoD; and

Pages H5280–81

Skelton manager's amendment (No. 1 printed in H. Rept. 110–151) that makes a number of technical and conforming changes. **Pages H5281–82**

Rejected:

Andrews amendment (No. 8 printed in H. Rept. 110–151) that sought to prevent funds authorized in the bill for the wars in Iraq and Afghanistan from being obligated or expended to plan a contingency operation in Iran (by a recorded vote of 202 ayes to 216 noes, Roll No. 364); **Pages H5249–50, H5264–65**

DeFazio amendment (No. 14 printed in H. Rept. 110–151) that sought to clarify that no previously enacted law authorizes military action against Iran. It also prohibits funding authorized by the bill or in any other act from being used to take military action against Iran without specific authorization from Congress unless there is a "national emergency created by an attack by Iran upon the United States, its territories or possessions or its armed forces" (by a recorded vote of 136 ayes to 288 noes, Roll No. 365); and **Pages H5251–52, H5265**

Woolsey amendment (No. 21 printed in H. Rept. 110–151) that sought to require the Secretary of Defense to issue a report on the continued use, need, relevance, and cost of weapons systems designed to fight the Cold War and the former Soviet Union (by a recorded vote of 119 ayes to 303 noes, Roll No. 366). **Pages H5252–53, H5266–67**

H. Res. 403, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 229 yeas to 194 nays, Roll No. 352, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 198 nays, Roll No. 351.

Pages H5060–71

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5294–H5334 .

Quorum Calls—Votes: Five quorum calls, four yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H5066–67, H5070, H5070–71, H5071, H5128–29, H5129, H5132, H5132–33, H5135–36, H5137, H5141, H5141–42, H5143, H5144, H5264, H5265, H5266.

Adjournment: The House met at 10 a.m. and adjourned at 11:42 p.m.

Committee Meetings

MINE SAFETY AND HEALTH PROGRAMS

Committee on Education and Labor: Held a hearing on Evaluating the Effectiveness of MSHA's Mine Safety and Health Programs. Testimony was heard from Representatives Rahall and Capito; Dan Bertoni, Director, Education, Workforce, and Income Security Team, GAO; the following officials of the Department of Labor: Richard Stickler, Assistant Secretary, Mine Safety and Health; and Jonathan Snare, Acting Solicitor of Labor; and a public witness.

MEDICAL DEVICE USER FEE AND MODERNIZATION REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Reauthorization of the Medical Device User Fee and Modernization Act." Testimony was heard from Jeffrey Shuren, M.D., Assistant Commissioner, Policy, FDA, Department of Health and Human Services; and public witnesses.

BP PRUDHOE BAY SHUTDOWN

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "2006 Prudhoe Bay Shutdown: Will Recent Regulatory Changes and BP Management Reforms Prevent Future Failures." Testimony was heard from Stacy Gerard, Acting Assistant Administrator Chief Safety Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Carolyn Merritt, Chair and CEO, U.S. Chemical Safety and Hazard Investigation Board; Richard Fairfax, Director, Directorate of Enforcement Programs, Occupational Safety and Health Administration, Department of Labor; Jonne Slemons, Coordinator, Petroleum Systems Integrity Office, Division of Oil and Gas, Department of Natural Resources, State of Alaska; and a public witness.

PRIVATE EQUITY'S EFFECTS FROM MARKET IMPACTS

Committee on Financial Services: Held a hearing entitled "Private Equity's Effects on Workers and Firms." Testimony was heard from public witnesses.

AFRICA'S WATER CRISIS

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a briefing on Africa's Water Crisis and the 2006 UNDP Human Development Report. The Subcommittee was briefed by Cecilia Ugaz, Deputy Director, Human Development Report Office, Development Program, United Nations; and Amina Salum Ali, Permanent Representative to the United States, The African Union.

AFRICA'S WATER CRISIS—U.S. RESPONSE

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Africa's Water Crisis and the U.S. Response. Testimony was heard from Representative Blumenauer; the following officials of the Department of State: Claudia McMurray, Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs; and Walter North, Senior Deputy Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; and a public witness.

MIDDLE EAST AND SOUTH ASIA DIPLOMACY

Committee on Foreign Affairs: Subcommittee on Middle East and South Asia held a hearing on Public Diplomacy in the Middle East and South Asia: Is the Message Getting Through? Testimony was heard from the following officials of the Department of State: Jeremy Curtin, Coordinator, Bureau of International Information Programs; Gretchen Welch, Director, Office of Policy, Planning, and Resources; Thomas A. Farrell, Deputy Assistant Secretary for Academic Programs, and Alina L. Romanowski, Deputy Assistant Secretary, Professional and Cultural Exchanges, both with the Bureau of Educational and Cultural Affairs; and the following members of the Board of the Broadcasting Board of Governors: Joaquin F. Blaya and D. Jeffrey Hirschberg.

U.S. INFRASTRUCTURE—FOREIGN INVESTMENT IN U.S.

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled ''The Impact of Foreign Ownership and Foreign Investment on the Security of Our Nation's Critical Infrastructure.'' Testimony was heard from public witnesses.

OIL INDUSTRY AND RISING GAS PRICES

Committee on the Judiciary: Antitrust Task Force held a hearing on Prices at the Pump: Market Failure and the Oil Industry. Testimony was heard from Representatives Stupak and Wilson of New Mexico; Richard Blumenthal, Attorney General, State of Connecticut; and public witnesses.

PATENT REFORM ACT OF 2007

Committee on the Judiciary: Subcommittee on Courts, The Internet, and Intellectual Property approved for full Committee action H.R. 1908, Patent Reform Act of 2007.

IMMIGRATION REFORM

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law held a hearing on Comprehensive Immigration Reform: Becoming Americans—U.S. Immigration Integration. Testimony was heard from public witnesses.

CONFERENCE REPORT—CONCURRENT BUDGET RESOLUTION FISCAL YEAR 2008

Committee on Rules: Committee granted, by voice vote, a rule waiving all points of order against the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, and against its consideration. The rule provides that the conference report shall be considered as read. The rule also provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Testimony was heard from Chairman Spratt and Representative Ryan of Wisconsin.

CLIMATE CHANGE MITIGATION

Committee on Science and Technology: Held a hearing on the State of Climate Change Science 2007: The Findings of the Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC), Working Group III: Mitigation of Climate Change. Testimony was heard from public witnesses.

SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Committee on Small Business: Held a hearing on legislation affecting the SBA's Entrepreneurial Development programs, including its Small Business Development Center and Women's Business Center Programs. Testimony was heard from the following officials of the SBA: Wilma Goldstein, Acting Assistant Administrator, Office of Entrepreneurial Development; and C.E. Rowe, Associate Administrator, Congressional Legislative Affairs; and public witnesses.

CLIMATE CHANGE, ENERGY INDEPENDENCE AND TRANSPORTATION ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Transportation and Infrastructure held

a hearing on Climate Change and Energy Independence: Transportation and Infrastructure Issues. Testimony was heard from public witnesses.

Joint Meetings

ELDER CARE COSTS

Joint Economic Committee: Committee concluded a hearing to examine the economic impact of elder care costs and determine if they are hurting family finances and business competition, after receiving testimony from Richard W. Johnson, Urban Institute, Washington, D.C.; Scott A. Weisberg, General Mills, Inc., Minneapolis, Minnesota; Leni Wilcox, Amherst H. Wilder Foundation's Community Services for the Elderly, Saint Paul, Minnesota, on behalf of Eldercare Partners; and Virginia Morris, Sag Harbor, New York.

COMMITTEE MEETINGS FOR THURSDAY, MAY 17, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the United States European Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program, 10:15 a.m., SH–216.

Full Committee, business meeting to consider pending military nomination, 3 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine consolidation of National Association of Securities Dealers and the regulatory functions of the New York Stock Exchange, focusing on working towards improved regulation, 2:30 p.m., SD–538.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the federal government's security clearance process, focusing on evaluating progress and identifying obstacles to improvement, 9:30 a.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine law enforcement in Indian Country, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 1027, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. Res. 138, honoring the accomplishments and legacy of Cesar Estrada Chavez, S. Res. 132, recognizing the Civil Air Patrol for 65 years of service to the United States, and S. Res. 130, designating July 28, 2007, as "National Day of the American Cowboy", and possible authorization of subpoenas in the connection with investigation into the replacement of U.S. attorneys, 10 a.m., SD–226.

Select Committee on Intelligence: closed business meeting to mark up an original bill authorizing funds for fiscal year 2008 for the intelligence community, 2:30 p.m., SH–219.

House

Committee on Agriculture: to mark up the following measures: H. Con. Res. 25, Expressing the sense of Congress that it is the goal of the United States that, not later than January 2, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; H.R. 926, STOPP Act of 2007; and H. Res. 79, Recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs to decrease hunger and help feed those in need, 11 a.m., 1300 Longworth.

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Food and Drug Administration, and Related Agencies, on Marketing and Regulatory Programs, 10 a.m., 2362 Rayburn.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness, hearing on Preparing Teachers for the Classroom: The Role of the Higher Education Act and No Child Left Behind, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunication and the Internet, hearing on a proposed measure addressing Broadband Mapping and Data Collection, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Remittances: Access, Transparency, and Market Efficiency—A Progress Report," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Russia: Rebuilding the Iron Curtain, 11 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights and Oversight, hearing on Declining Approval for American Foreign Policy in Muslim Countries: Does It Make It More Difficult To Fight al Qaeda, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled "Protecting Our Schools: Federal Efforts To Strengthen Community Preparedness and Response," 10 a.m., 311 Cannon.

Subcommittee on Border, Maritime and Global Counterterrorism and the Subcommittee on Management, Investigations and Oversight, joint hearing entitled "Deepwater: Charting a Course for Safer Waters," 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 2317, Lobbying Transparency Act of 2007; H.R. 2316, Honest Leadership and Open Government

Act of 2007; H.R. 2264, No Oil Producing and Exporting Cartels Act of 2007; and S. 1104, To increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, 10:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on Comprehensives Immigration Reform: Impact of Immigration on States and Localities, 3 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 716, Santa Rosa Urban Water Reuse Plan Act; H.R. 236, North Bay Water Reuse Program Act of 2007; H.R. 1503, Avra/Black Wash Reclamation and Riparian Restoration Project; and H.R. 1725, Rancho California Water District Recycled Water Reclamation Facility Act of 2007, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization, and Procurement, hearing on the Carbon-Neutral Government Act of 2007, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Developing Untapped Potential: Geothermal and Ocean Power Technologies, 10 a.m., 2325 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Building and Maintaining a Healthy and Strong NASA Workforce, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing to review the impact of the current legal system involving products liability on small businesses, 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, to mark up the following: H.R. 2011, To designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse;'' and GSA's Fiscal Year 2008 Capital Investment Program Resolutions, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Veterans Entrepreneurship and Self Employment, 2 p.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 17

Senate Chamber

Program for Thursday: Senate will resume consideration of H.R. 2206, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, and vote on the motion to invoke cloture on Reid/McConnell Amendment No. 1123 at 10:30 a.m.; following the disposition of H.R. 2206, Senate will begin consideration of the conference report to accompany S. Con. Res. 21, and may vote on its adoption at 3 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 17

House Chamber

Program for Thursday: Complete Consideration of H.R. 1585—National Defense Authorization Act for Fiscal Year 2008. Consideration of H.R. 1427—Federal Housing Finance Reform Act of 2007 (Subject to a Rule).

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