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House of Representatives

The House met at 10 a.m.

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

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

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

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

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TOWNS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

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

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

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

WELCOMING DR. SUZAN JOHNSON COOK

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

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

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

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

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

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

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

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

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ANNOUNCEMENT BY THE SPEAKER

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

THE FARM BILL

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

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

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

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

INVITE ILLEGALS TO NEW HAVEN, CONNECTICUT

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

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

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

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

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

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

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

And that's just the way it is.

COMBAT TERRORISM, REDEPLOY FROM IRAQ

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

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

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

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

SUCCESS FOR BULGARIA AND LIBYA

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

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

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

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

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

INTRODUCTION OF THE CHAMP ACT SHOULD RECEIVE BIPARTISAN SUPPORT IN HOUSE

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

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

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

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

THE NEW STRATEGY; IRAQ IS WORKING

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

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

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

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

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

□ 1015

INTRODUCTION OF THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

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

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

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

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

DANGER OF DEMOCRAT HEALTH CARE PLAN

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

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

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

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

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

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

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

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

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

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

COPS

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

NO PERMANENT BASES IN IRAQ

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

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

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

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

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

THE BIG THREE: MODEL CORPORATE CITIZENS

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

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

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

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

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

IOWA NATIONAL GUARD 1ST BATTALION, 133RD INFANTRY

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

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

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

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

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

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

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

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

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

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

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

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

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

JAMES MADISON'S ''POLITICAL OBSERVATIONS''

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

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

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

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

COMMENDING COLLIN COUNTY SCHOOLS

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

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

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

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

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

Congratulations to all concerned.

NO PERMANENT MILITARY BASES IN IRAQ

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

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

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

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

□ 1030

SUPPORT FUNDING FOR COMMUNITY ORIENTED POLICING SERVICES

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

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

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

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

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

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

THE CHAMP ACT

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

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

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

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

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

CONGRATULATIONS TO THE LONGEST MARRIED COUPLE IN THE UNITED STATES

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

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

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2929

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

SECTION 1. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2. STATEMENT OF POLICY.

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

SEC. 3. LIMITATION ON USE OF FUNDS.

No funds made available by any Act of Congress shall be obligated or expended for a purpose as follows:

(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq; and

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

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The fiscal year 2007 bill states:

''No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

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

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

''No funds made available by any Act of Congress shall be obligated or expended for a purpose as follows:

(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq; and

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

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

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

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

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

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

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

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

Correct.

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

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

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

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

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

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

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

□ 1045

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. ALLEN. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So I support this legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question was taken.

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

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

The yeas and nays were ordered.

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

SECOND HIGHER EDUCATION EXTENSION ACT of 2007

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

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1868

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Second Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

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

SEC. 3. RULE OF CONSTRUCTION.

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

Madam Speaker, I reserve the balance of my time.

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

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

□ 1130

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

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

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

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

I yield back the balance of my time.

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

I yield back the balance of my time.

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

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

A motion to reconsider was laid on the table.

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

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

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3093 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And what is it that we're saying?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1200

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1215

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

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

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

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

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

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

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

And with that, Mr. Speaker, I ask unanimous consent to insert the text

of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

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

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

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

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

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

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

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

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

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

At the end of the resolution insert the following:

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

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

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

'(f) 'Electronic surveillance' means—

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

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

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

[Roll No. 716]

YEAS—221

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

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

NAYS—195

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

NOT VOTING—15

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

□ 1243

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

Messrs. MARKEY, BOUCHER and MATHESON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

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

[Roll No. 717]

YEAS—399

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

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

NAYS—24

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

NOT VOTING—9

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1252

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

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

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

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

[Roll No. 718]

YEAS—423

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

NOT VOTING—8

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the concurrent resolution.

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

This will be a 5-minute vote.

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

[Roll No. 719]

YEAS—387

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

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

NAYS—26

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

ANSWERED ''PRESENT''—2

Gohmert
Sali

NOT VOTING—16

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1305

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

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

The motion was agreed to.

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

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3093 and that I may include tabular material on the same.

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

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3093.

□ 1306

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1330

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

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the gentleman for yielding.

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

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

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

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

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

□ 1345

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This project was requested by the Idaho State Police.

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

This project was requested by the Idaho Department of Corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. All time for general debate has expired.

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 3093

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

TITLE I—DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

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

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

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

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

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

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

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

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

□ 1400

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

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

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

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

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

I yield to the gentleman from West Virginia.

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

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1415

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

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

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

AMENDMENT OFFERED BY MR. SESSIONS

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

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I would urge a ''no'' vote.

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

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

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

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

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

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

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $196,838,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,035,406,000, to remain available until September 30, 2009: *Provided,* That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 6, line 23, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Page 43, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to enhance America's ability to prosecute and detain illegal aliens around our southwest border.

State and local law enforcement agencies along America's southwest border grapple with the serious consequences of our porous border every day. Prosecutors, probation officers, courts and detention facilities are all vital. They process drug and illegal alien cases referred from Federal arrests.

Currently, if the Federal Government decides to no longer pursue Federal criminal charges against the defendant, they often turn over the case to local law enforcement agencies. State and local agencies often need to be reimbursed for the costs of prosecution and court costs, as well as pre- and post-trial detention.

The Southwest Border Prosecutor Initiative helps relieve border communities of the steep costs of Federal drug prosecutions. Cases involving illegal aliens and drug traffickers are complex and urgent. That's why the Southwest Border Prosecutor Initiative needs and deserves vigorous Federal support.

Last year Congress funded this program with $29,617,000. The committee's recommended funding level for this year, 2008, amounts to only a 1 percent increase over last year's appropriation for the Southwest Border Prosecutor Initiative. Meanwhile, the Census Bureau stands to receive over $369 million more than last year. That amounts to an increase of 40 percent for the census.

Right now, I, along with the constituents I represent, believe the higher priority for our country must be to get a handle on our borders. Some aliens who illegally enter America only seek jobs, but then there are others who are very, very dangerous. These aliens, especially the drug traffickers, call for extra attention. My amendment would boost funding to the Southwest Border Prosecutor Initiative by $10 million, without costing the taxpayers any more money.

I ask my colleagues to join me in support of this important amendment.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which, again, shows there is a run on the Census Bureau; it's as though the Census Bureau wasn't important, and it's crucially important.

We have funded the southwest border prosecutors program at $30 million in this bill, and the President requested zero for it in this bill. So I think we're keeping faith with the southwest border prosecutors. And we have kept faith and funded in this bill tremendous amounts of money for State and local law enforcement above the President's request, $1.7 billion above the President's request. So we really are addressing these concerns.

We can go anywhere in the bill for any worthy cause, especially all of the law enforcement accounts, they're all worthy causes, and say, oh, let's increase the funding for that. It makes it sound like we are newly addressing an issue where it has been substantively addressed previously in this bill.

Now, let's look at the offset. And again, we're looking at Census like it's not important, and it's crucially important. Specifically these cuts that were represented by the offsets to this increase would eliminate the current Industrial Reports Program used by the Federal Reserve Board for the index of industrial production and also used in trade negotiations by our U.S. Trade Representative, the International Trade Commission and the Department of Commerce's Office of Textiles and Apparel. This amendment will also make it impossible to assess the impact of increased imports on domestic industries.

Secondly, this offset would eliminate the quarterly financial reports which are the government's most current and comprehensive reports on corporate financial activity. This break in this valuable time series program, which goes back 60 years, there is a continuity to this program, would erode the quality of our statistical measurements, hinder public and private decisionmakers and eliminate a critical source of information on corporate profits.

Next, Mr. Chairman, it would eliminate the Survey of Business Owners and Self-Employed Persons, which is the only comprehensive source of information on selected economic and demographic characteristics for businesses and business owners. The survey data is absolutely critical to the missions of the Minority Business Development Agency, the Small Business Administration, and other Federal, State and local agencies to assess changes in women and minority-owned business, and to analyze the effectiveness of these programs. And the amendment it would eliminate funding to the Foreign Research and Analysis Program, which generates economic, social and demographic information.

Do we see the harm that this amendment and this offset would do to the Census Bureau, to the statistics we gather that are absolutely crucial to business, in addition to the overall attitude about an almost frivolousness as we deal with the important business that the Census Bureau does?

Let's respect the Census Bureau. Let's respect the surveys and the reports and economic statistics which it generates, which we rely on in our daily lives for social programs, but also for the important purpose of assessing where we are and where we stand in business in an increasingly competitive world.

I oppose the gentlelady's amendment on all of those grounds, Mr. Chairman.

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

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to my good friend's amendment. The census is critically important. It's even required in our Constitution. The importance of an accurate census cannot be overstated. The Founding Fathers of our country understood it; they wrote it right into Article I, section 2 of the Constitution.

It is very, very important for the reasons that Chairman MOLLOHAN mentioned, but it's absolutely our constitutional obligation to conduct the census and to do it to the very best of our ability.

To delete very important programs that put together data on which we make decisions, policy decisions, in our country is extremely short-sighted.

I rise in strong opposition, not because I oppose the program it seeks to add funding to, but because I oppose the offset, the cut to the census. And I think that it's easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface the census does not seem to have the direct connection to public safety that some of these programs do.

□ 1430

What many people do not realize, however, is that local law enforcements rely on the Census every day and an inaccurate count could jeopardize their ability to fight crime. Our businesses rely on it. Our funding formulas are tied to it.

We are required to conduct the census every 10 years by our Constitution in order to have reapportionment. Our representation is tied to it. So when you cut the money to the Census, you are cutting representation. You are cutting accurate data so that we can make accurate decisions in this body. It is very short-sighted.

Mr. Chairman, I rise today in strong opposition to this amendment, not because I oppose the program it seeks to add funding too, but because I oppose the offset. Every year we have the same fight to maintain funding for the Census Bureau. I don't know how many times I've had to come down here to try and explain how essential it is that we not cut funds for the Census Bureau.

The Census is the largest peacetime mobilization in history. It requires recruitment and training of over 500,000 enumerators and census workers, to count more than 300 million residents at 130 million unique addresses. All of this massive preparation takes place according to a strict, decade-long schedule. The closer we get to the decennial, the more important it is to adhere to that schedule. In 2008, there are two full dress rehearsals planned, one in California, and one in North Carolina.

Former Census Bureau Director Kenneth Prewitt once said that it is difficult to do a really good census, but it is easy to do a bad one. If we cut funds to the Census Bureau, we will easily do a bad one.

CENSUS AS A GOOD TAXPAYER INVESTMENT

The Federal government depends on census data in three important ways. First, to distribute funding through eligibility criteria and allocation formulas. 69.3% of the Federal grants given out in FY2004 (the most recent year that we have this data for) were allocated based on Census Bureau data. Second, census data are used to enforce Federal civil rights and anti-discrimination laws such as the Voting Rights Act and the Fair Housing Act. Third, the Federal government uses census data to create models and estimates for various Federal programs, and to then evaluate their efficacy.

State and local governments use census data for different purposes. They allocate criminal justice resources based on crime maps and demographic profiles. They base disaster response plans on census data. They analyze their transportation systems using information from the Census Bureau. The list goes on.

Not only do governments of all levels rely on the census, but the private sector does as well. Businesses conduct market research based on census data. Hospitals identify their constituencies and how to better serve their needs based on census data. The real estate sector uses it to . . . .

One can argue, therefore, that the census is essential not only to democracy, but to the U.S. economy as well. With so many governments and businesses who rely on data, it is absolutely essential that that data be accurate.

Over ten years, the 2010 census will cost approximately $11.5 billion. That's an average of $1.2 billion per year. Divide that by the population of the U.S., and the cost is approximately $4 per person, per year. Four dollars. That's it. I don't know about you, Mr. Chairman, but I am willing to spend $4 a year to ensure that Federal, State, and local governments, businesses and non-profits, all have accurate data to conduct their business. In fact, considering the enormous benefit that the economy gains by having an accurate census, I'm willing to wager that this is one of the most cost-effective uses of taxpayer dollars. I urge my colleagues to spend your constituents' tax dollars wisely by opposing any amendments that cut funding from the census.

CONSTITUTIONAL OBLIGATION

The importance of an accurate census enumeration cannot be overstated. The founding fathers of our country understood, they wrote it right into the Constitution. In Article I, Section 2 of the Constitution, it says that congressional representation and taxes shall be based on the population. I quote directly, ''The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.'' By extension, the census affects Presidential election, as the number of electoral college votes for each State is based on the number of representatives and senators from that State. There are several instances (listed below) in recent history where very close elections and redistricting hinged directly on census data. When the founding fathers rooted our representative democracy in an accurate enumeration of the population, they placed a great burden on the census. It is our constitutional obligation to conduct this census, and to absolutely do it to the best of our ability.

After Census 2000, the state of Utah missed gaining a fourth Congressional seat and sixth electoral vote by 856 residents; the 435th seat and 538th electoral vote went to North Carolina instead. Utah's experience has been highly instructive to states with regard to the 2010 Census. Realizing that apportionment is a zero sum game, more states will be working aggressively to bring about a full count.

The result of the 2000 presidential election turned on the accuracy of the 1990 census. The election was so close that a slightly more or less accurate census could have produced another pattern of Congressional apportionment and so a different outcome.

In 2003, the Texas state legislature's redrawing of Congressional Districts produced quite a commotion, as some legislators in the minority left the state in the hopes of blocking approval of the new boundaries.

CRIME-FIGHTING

It is very easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface, the census does not seem to have the direct connection to public safety that (anti-meth program, COPS, SCAAP) does. What many people don't realize, however, is that local law enforcement officials rely on the census every day, and an inaccurate count could jeopardize their ability to fight crime. One of the most valuable tools for local law enforcement is crime mapping. This technology allows them to more effectively allocate limited resources and manpower based on crime statistics and information on neighborhood characteristics. They are better able to predict where crimes will occur based on this information, and can therefore send more police officers as a preventative measure. Crime mapping programs draw heavily from demographic and housing data from both the decennial census and the yearly American Community Survey (ACS). When a census or ACS count is less accurate due to lower funding levels, it will jeopardize our ability to effectively fight crime at the local level.

DOMESTIC VIOLENCE

Let's be clear, I am extremely supportive of funding for programs to combat domestic violence. I have devoted much of my career to making women's lives better, and have been an outspoken advocate of reducing violence against women. However, I cannot support this amendment. Taking money from the census to fund a domestic violence prevention

program is nonsensical. These programs rely on census data to recognize patterns of domestic violence, such as the link between poverty and domestic violence. Domestic violence advocates also use census data to analyze the impact of these programs. And finally, the funds that we would give to these programs will be based on funding formulas that use data from the census. If we do not have the most accurate census possible, this program, and all the other programs that receive Federal funding, will be at risk.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentlewoman will yield, we obviously respect our colleague's attempt to improve the financial situation for these border prosecutors, but the general feeling is that Census accounts are not the ones we want to use for that purpose. But we certainly respect what you would like to do to enhance their resources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

AMENDMENT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHIMKUS:

Page 7, line 8, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 21, line 7, after the dollar amount, insert ''(reduced by $5,000,000)''.

Mr. SHIMKUS. Mr. Chairman, I come down to offer this amendment with respect to myself and my colleague, Anna Eshoo. She is tied up in an Intel briefing, or she would be down in support of this amendment.

We both cochair the E9–1–1 Caucus in which, in 2004, we passed on this floor an authorization of $1.2 billion over 5 years to help our first line responders roll out ENHANCE 9/11 in a 50 percent grant program with our public safety officials. Under Republican control over the past 2 years, and now under a Democrat-controlled appropriation budget, we have yet to see our first dollar from the appropriation process committed to ENHANCE 9/11.

So the basic premise of this amendment is just to get started. There is $1.2 billion authorized. This is the third year with no dollars appropriated. We are asking for a shifting of funds of $5 million to make this happen. Again, this amendment is supported by the National Emergency Numbering Association, which is commonly referred to as NENA; and APCO, which is the Association of Public-Safety Communications Officials.

We all know the stories about people who expect that when they dial 9/11 on a cellular phone that not only will someone answer that, but people will know where they are. I represent rural southern Illinois, parts of 30 counties. It is one of the largest congressional districts east of the Mississippi. You can go off in some area and folks may not find you until it is too late.

So the whole emphasis behind ENHANCE 9/11 is to use technology, work with the land line companies, work with the cell companies, work with the public service answering points of PSAPs, or we call them the E9–1–1 call centers, and in so doing, make sure that we move our country forward to be able to identify folks when they call 9/11 on their cellular phone. Again, I would venture to guess that almost everyone voted for ENHANCE 9/11, cellular identification authorization amount $1.2 billion over 5 years.

So it is time, my colleagues. Congresswoman ESHOO and I just want us to start. I think the public service, the first line responders and the public safety communities really want us to at least show some good-faith effort by finally releasing some dollars. That is the intent of this amendment.

I see there is some activity on the other side. I was hoping that the chairman would pay attention, because I am going to call, obviously, for the voice vote, but because of the way that it is worded, I will not call for a recorded vote, but I would like for him to be receptive to moving this provision, especially when it is brought in a bipartisan manner with a major member of the Commerce Subcommittee and the Telecommunications Subcommittee.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this bill is currently balanced among the many competing priorities between the Subcommittee on Commerce, Justice and Science. The amendment significantly upsets that balance.

This Congress has already provided the proper funding mechanism for enhanced 9/11 grants, which is through proceeds realized through the sale of the spectrum space. I have grave concerns about a $5 million reduction to the general administration account of the Department of Justice.

The Department may have to lay off its current personnel, reduce key projects that might have to be terminated, and substantially scale back others in order to absorb a reduction in this office.

We have to be respectful in the requests and the necessity of having adequate funding and adequate personnel to run these programs, to run the Department of Justice. Let's not be cavalier in these offsets. Just because the account is called ''general'' doesn't mean that it doesn't need funding. It also doesn't mean that we haven't been careful and deliberate as we have looked at the needs and funded these accounts. These are real people we are talking about laying off. They have real jobs, and they administer real programs.

So when we offer an amendment and suggest a $5 million offset, we have to be mindful of the consequences of that. DOJ is currently challenged to fill authorized positions at all of its components. We are increasing funding at the DOJ. Partly these funding requirements are the result of chronic gaps between the funding requested and appropriated for the S&E accounts and the true cost of pay raises. Let's be respectful of other people in their jobs as we consider these offsets.

I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, like the chairman, we want to salute Representative ESHOO and Mr. SHIMKUS. This is sort of a promise that has not been delivered on, and we are mindful of it. But I would agree with the chairman, to take a whack out of the Department of Justice general administration accounts would affect people that are working there presently.

There is the expectation, which, of course, it might irritate you for me to mention this, that somewhere along the line, goodness knows when it will happen, there will be a spectrum auction. I don't know, there is $40 or $50 million. I know you are looking for $250 million. It is not exactly inexpensive. When the auction should occur, this is the type of necessary project that needs to be funded.

But I would concur with the chairman, I know you tried to choose wisely, I am not sure these are the accounts that I would recommend taking money from. So I would concur with the chairman.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for those

thoughts. If I have any time left, Mr. Chairman, I would just point out that about 90 percent of the account where the gentleman is seeking an offset, the general administrative account, goes towards operational support for the Department of Justice agencies and their missions, by maintaining and overseeing facilities, for procurement of law enforcement tools for agents and employees, and for management of financial systems.

Cutting this account could prevent implementation of a unified financial management system that would limit the fraud, waste, and abuse that everyone in this body talks about. These are not the areas in which we want to make cuts.

Ms. ESHOO. Mr. Chairman, the amendment that Mr. SHIMKUS and I are offering will provide $5 million for the National Telecommunications and Information Administration (NTIA) with the intent of allowing them to issue grants to upgrade Public Safety Answering Points (PSAPs), otherwise known as 9–1–1 call centers. Call centers across our country today need to enhance their 9–1–1 technology in order to actually locate where a mobile phone caller in crisis is.

Annually, over 200 million 9–1–1 calls are made, and increasingly those calls are made from mobile phones. According to CTIA, the wireless industry association, more than 10 percent of households now rely on wireless phones as their only telephone service. No wonder it's surprising to many Americans to learn that a 9–1–1 call center may not have enhanced technology to trace an emergency call from a mobile phone in order to dispatch help to exactly where it is needed.

Imagine calling 9–1–1 from your mobile phone at the scene of a car accident or a crime and being told the operator has no idea where you are.

Millions of Americans face this risk every day.

While coverage in many areas is improving, there are significant gaps in the public safety system, particularly in small, rural, and poor communities where federal assistance could be most meaningful.

In 26 states, more than 20 percent of counties have not deployed the latest 9–1–1 technology. In 15 states, well over half the counties haven't deployed this technology. In West Virginia (Chairman MOLLOHAN's home state), nearly one third of the population doesn't have enhanced 9–1–1 coverage. In Ohio, half the state's population lacks this coverage, and in Mississippi, two-thirds.

In 2004, Congress and the President attempted to address this problem by enacting the ENHANCE 9–1–1 Act. The law that Mr. SHIMKUS and I authored created a grant program to pay 50 percent of the cost for upgrading 9–1–1 call centers and ensure the most precise location (within 300 meters in most cases) of an emergency call from a mobile phone.

The program was authorized to provide up to $1.25 billion in grants over 5 years. Regrettably, 3 years later Congress has yet to fund the program. In fact, the NTIA and National Highway Traffic Administration (NHTSA), the agencies with responsibility for this program, haven't even established regulations for awarding grants. With only 2 years left in the authorization, it's time to get the program underway.

The modest amount of funding in our amendment will provide grants to approximately 54 smaller counties to upgrade their wireless E9–1–1 capabilities or up to 17 grants to counties with populations over 100,000. This public safety funding is offset by reducing funds from the Justice Department's General Administration.

Our Amendment has been endorsed by the Association of Public-Safety Communications Officials and the National Emergency Number Association and I urge my colleagues to join me and Representative SHIMKUS in voting for it.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHIMKUS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

Mr. CARDOZA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CARDOZA. Mr. Chairman, I intended to offer an amendment with regard to sea turtles. I would like to engage in that discussion for a bit. I will not offer that amendment; I would like to discuss it with the chairman of this Appropriations Committee.

There are currently six species of sea turtles, the green, the hawksbill, the Kemp's Ridley, the leatherback, the loggerhead and the Olive Ridley sea turtle. All six are listed as threatened or endangered species under the Endangered Species Act.

Sea turtles face a range of threats from land and sea. Their nesting beaches are under constant attack from pollution, trash, debris, predators and vehicles driving on the dunes.

Once out of the nest, sea turtle hatchlings use light cues to find the sea. Artificial lighting near the beach can disorient hatchlings, leading to dehydration and death.

In the water, sea turtles face even more serious threats. Every year, thousands of sea turtles are injured or die after becoming entangled in discarded fishing gear and other marine debris, from ingesting plastic bags or oil and tar, from being crushed by dredges, and by being accidentally caught by U.S. commercial fishing operations. The latter is one of the most serious threats facing sea turtles.

Sea turtles are accidentally caught in gill nets, trawls, long-lines and dredges, subjecting them to severe injury, crushing, or drowning.

The U.S. Government authorizes commercial fisheries to kill nearly 10,000 sea turtles and harm another 334,000 each year. And that is only what is authorized, not what actually occurs.

In addition, the government does not adequately take into account that when a sea turtle is injured, its swimming, hunting, and reproductive abilities may be severely impaired, further jeopardizing the population.

Currently, approximately one in 1,000 sea turtle hatchlings survives to adulthood, one in 1,000. While they are long-lived, they also reach reproductive maturity late in life. Due to the many risks they face, however, relatively few sea turtles survive to maturity, and even fewer live to reproduce.

In order for the sea turtle population to recover, we must do a better job monitoring the population and strengthen the necessary protective enforcement measures. The Cardoza-Hastings-Castor amendment was quite simple: it provided an additional $1 million for sea turtles under the Protective Species Research and Management account for the National Marine Fisheries Service.

What I have done with the chairman is to request that the chairman work with us, and I would like to now yield to discuss with the chairman what we might do moving forward.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will yield, first of all, I want to commend the gentleman for raising this issue. Six of the seven sea turtle species are endangered. It is a real concern. It is a real plight. We can be particularly proactive trying to address the endangered status of these turtles in our borders. It becomes far more difficult as we go out around the world.

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It is important that we address it and we pay increasing attention to it. The gentleman requests an additional $1 million. There is a $9 million program looking at this. We intend to work with the gentleman, if he so desires, to ensure that NOAA is increasingly focusing on the problem, and we will be bringing the gentleman's concern to their attention, and letting them understand that. We will be working with the professionals at NOAA, and we want to give them all of the support that we can and let them know that this is a priority for us.

So I commend the gentleman for bringing the issue to our attention, and assure him that we look forward to working with him not only as we process this bill through to completion, but subsequent to that and throughout the year to ensure that NOAA gives it the adequate attention that this issue deserves.

Mr. CARDOZA. I thank the chairman. I look forward to working with him. That is acceptable to us. We will work together as this bill goes to conference to see how we can better deal with this issue.

My daughter Brittany is 13 years old, and my daughter Elaina is 10. They both have encouraged me to work on

this. One knows that we have to try to abide by our children because they usually have the right take on what is right in the world. I thank the chairman for allowing me to work on this issue.

Mr. MOLLOHAN. They do have the right take, and she obviously has picked a substantive issue to be concerned about and defend, and the gentleman is to be commended for picking it up and fighting for her and sea turtles.

Mr. CARDOZA. I thank the chairman.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. CARDOZA. Again we have worked with the chairman. There was an amendment that I was going to offer with regard to the CASA, Court Appointed Special Advocates, program. This is an issue I am very passionate about as two of my children are adopted. They were into the foster care system and into adoptive placement because of a CASA volunteer seeing the desperate situation they were both in.

The current CASA funding only allows for 50 percent of the children who are under court supervision, under court custody to receive the assistance of a CASA volunteer. The program is underfunded.

I had originally intended to fully increase this funding so that every child could have a child advocate and a CASA. That is not authorized under the authorization, so we have withdrawn the amendment at this time, but I will work with the gentleman in the future to make sure that we do the right authorizing legislation so this appropriation can be dealt with in the appropriate way in the future.

I thank the gentleman for his advice and leadership in helping me work on this issue.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I point out that when the gentleman brought his interest in CASA to the attention of the committee, I pointed out to him that CASA is funded in our bill at the authorized limit of $12 million. We don't suggest that it does not merit and that the need isn't there for considerably additional funding. That is something that we can look at in the future, and I thank the gentleman from California for bringing this matter to the attention of the committee and to the attention of the full body.

CASA is a vital program that is important in the lives of countless children in foster care, and we will continue to work with the gentleman on his concern of ensuring that soon every child has a CASA representative.

As the gentleman represents, only 50 percent, if it is 50 percent, of those in need are served by this vital program. As my colleagues may know, 7 years ago, and as the gentleman pointed out, and we are very impressed by that fact and taken by it, adopted two foster children. There is no greater love than adopting children. We look forward to working with the gentleman as we move forward.

Mr. CARDOZA. I thank the gentleman for his extraordinary leadership and for his indulgence of his time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $21,728,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of Act of July 5, 1946 (60 Stat. 437; 15 U.S.C. 1113) and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further*, That in fiscal year 2008 from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, of Public Law 108–447 shall remain in effect during fiscal year 2008.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology, $1,000,000, to remain available until September 30, 2009.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,517,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $108,757,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $93,062,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by the Act entitled "An Act to establish the National Bureau of Standards" (15 U.S.C. 278c–278e), $128,865,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,847,556,000, to remain available until September 30, 2009, except for funds provided for cooperative enforcement which shall remain available until September 30, 2010: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,938,556,000 provided for in direct obligations under this heading $2,847,556,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $11,000,000 is derived from recoveries of prior year obligations. *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. ENGLISH of Pennsylvania:

Page 11, line 19, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 68, line 16, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the amendment I am offering today would redirect a very modest amount of funds from NOAA to the United States International Trade Commission, we hope to good effect.

The ITC serves on the frontline in the trade war against unfair and illegal imports. The Commission, an independent, quasi-judicial Federal agency, is part of America's critical network of ''trade cops.''

The Commission investigates the effects of dumped and subsidized imports on domestic employers and American workers, and conducts global safeguard investigations on import surges. The Commission also adjudicates cases involving infringement by imports of intellectual property rights.

Very simply, this amendment presents a clear choice and a simple one: Jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy.

Whatever an individual Member's views on international trade, no one can disagree with the notion that the United States is becoming more and more integrated into the global marketplace. U.S. exports are increasing; and, perhaps unfortunately, so are imports.

Unfortunately, all too often countries do not fulfill their promises to stay within the rules of the global trading system. These rulebreakers do not only cheat the system at our expense, but their action has the effect of costing America jobs. It is precisely for these reasons that we have laws on the books to police our markets, to combat illegal trade practices like dumping, subsidies and intellectual property theft. These laws, however, are only as good as the enforcement mechanism that sustains them.

There are countless examples of employers in congressional districts across the country that are being adversely affected by illegal trade practices. Everything from Channellock pliers in my district, or the Club in your car, to Zippo lighters are under assault by intellectual pirates. Everything from tires to lemon juice to honey to live swine to furniture to computer chips is under assault by illegal subsidies or dumping. And everything from steel pipe, hangers and brake drums and rotors are under assault from Chinese import surges. These industries illustrate the range of American employers that turn to the Commission to hear their case when our trading partners run afoul of their obligations.

And because of the volume of cases before the Commission, which is exploding, it is incumbent upon us to provide the necessary resources to our trade cops.

Intellectual property cases before the Commission have more than tripled since fiscal year 2000. The Commission expects an increase in dumping and antisubsidy investigations for the fiscal year 2008 compared to a relative decline in 2005 and 2006.

Also, the Commission will be tasked with examining the economywide economic impact that pending FTAs will have on our country.

All of these facets of the Commission are far too important not to put the necessary resources into the Commission to allow it to complete its mission. If we are concerned about the effects that illegal and unfair trade is having on the average working American, this amendment is the very least we can do.

Again, Mr. Chairman, this amendment presents a simple choice, jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy. I choose American jobs, and I hope my colleagues join me in passing this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. I rise in opposition to the gentleman's amendment. The gentleman attempts to move $2 million out of NOAA, out of the very important programs that fund the National Weather Service—fisheries, oceans, climate—money that is used to do a lot of the research that is extremely important to all of these areas, including climate change.

We have tried to fund NOAA in a way that respects its mission this year in the House of Representatives. Typically we don't do that, and the Senate earmarks it. We have tried to go through account by account and look at the National Weather Service, look at the fisheries, look at oceans and look at climate change, and fund these programs accordingly. This money will take away from that effort.

Now, where is the money going? It is going to the ITC. During a hearing we specifically asked Chairman Pearson if he got his request, and he got the funding he requested as he requested it, if he would be happy and if he would be made whole. And his testimony specifically to us: ''If you do that, Mr. Chairman, then we are very happy.'' And that's what we did in this bill, so I really don't see the need under any circumstances for increasing the ITC at this time.

The gentleman mentioned all of the important missions of the ITC and all of the work it does. And you know what? We respect that, and we have funded it completely in this bill and been responsive to the Chairman Pearson's request. He represented to us at the hearing that if we were to do that, which we did, that he would be totally happy with this funding.

I have to say that the gentleman is laboring on behalf of an agency that is fully funded and above that has received all of the funding requested in this bill. So I oppose this amendment to take money from science programs and to take it for no compelling reason from NOAA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 17 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. BORDALLO:

Page 11, line 19, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purpose of ensuring that not less than $500,000 is expended by NOAA in 2008 for Western Pacific Fishery Demonstration Projects.

This amendment would effectively ensure that such funding is provided for this program. The Western Pacific Fishery Demonstration Projects program was authorized by the 104th Congress through the passage of an act that reauthorized the Magnuson-Stevens Fishery Conservation and Management Act. This is a program that was funded at the level this amendment proposes each year from 1999 to 2005. However, unfortunately, this program has not been funded in the past 2 years.

Valuable and economically innovative projects have been demonstrated and explored in the past through this program. It is important to the communities represented by the Western Pacific Fishery Management Council, which includes my home district of Guam, for this program to be funded.

This is a competitive program, and project proposals are reviewed against criteria established by NOAA. The program's chief purpose is to protect and promote traditional fishing practices in the American Pacific basin.

□ 1500

Development of sustainable fisheries in the islands is important to their economic diversification, growth and preservation of traditional cultural practices.

On Guam, for example, a proposal deemed to have merit awaits funding. Our fishermen and -women need continued support to demonstrate and establish a deep-set longline fishery. Funding this program is the key to ensuring that such a meritorious project can be pursued in a Federal-local partnership.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from New Jersey (Mr. FRELINGHUYSEN) at this time for their able leadership in bringing this bill to the floor, and also as Chair of the Fisheries, Wildlife and Oceans Subcommittee, I also want to acknowledge the full committee Chair, Mr. OBEY, here on the floor for his work and leadership on behalf of Members of this body, and I also would like to recognize Mr. LEWIS, the ranking member.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I accept the gentlelady's amendment.

The level of funding for this program needs to be increased to help foster and promote traditional indigenous fishing practices. The gentlelady has been a tireless supporter of assisting the indigenous people of Guam, Hawaiian Islands and the South Pacific.

And this funding provides funds for a competitive grant within NOAA to allow indigenous peoples of the western Pacific to explore new fishing means both which are safe and economically sustainable.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. ROGERS of Michigan:

Page 11, line 19, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

Page 29, line 19, insert after the dollar amount the following: ''(increased by $16,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Mr. Chairman, I have a series of three amendments, and what we are trying to do here today is solve a couple of very real problems for average FBI agents who, in my day, were called brick agents. These are the folks who are doing the real work, working organized crime or collecting intelligence on foreign spies or doing counterterrorism work here in the United States, trying to save and prevent any hazards from happening in our homeland, doing violent crime or chasing gangsters or involved in the public corruption that is pervasive in so many of our cities around the United States.

They're doing great work, and these are very talented people, and we don't really pay them a lot of money. We ask a lot of them. We tell them to move around a lot. We send them to very high-cost cities, New York City, and think what about we do.

We have an agent who's been in, say, 7, 8, 9, 10 years, he makes about $89,000 as a supervisor of other FBI agents, and he's in Alabama. You can do pretty well at that standard. And then we tell him or her, because his or her talents are needed in New York City, You're going to go. So you pack up your family and you show up in one of the world's most expensive cities, and for that, we give you $3,000.

So he or she goes from living pretty decently in a place like Alabama on $89,000 to a high-cost city making $92,000, and the hardship begins. It's wrong that we treat some of our frontline defenders in homeland defense in this way.

So, last summer, we sat down and tried to work with the FBI director to get a couple of things accomplished. One was a housing allowance. Other agencies in the city of New York have housing allowances for their agents and their officers who serve there because they recognize the need for, A, constant moving; and B, in high-cost areas, you need a little extra help just to get by. Some of these agents have 3-hour commutes to go into work, 3-hour commutes, work a very long day, longer than most Americans; then they have a 3-hour commute to go home. It's pretty tough on their family life. It's tough on their finances, and it's wrong that we ask these agents to suffer under that kind of financial difficulty. We should and could do better.

So, last summer, we agreed with the FBI director, of which we have public statements to the effect, that we would try a pilot housing project here in Washington, D.C., another high-cost area. It's hard to attract FBI agents to come back to Washington, D.C., because of the high cost that is uncompensated. So we agreed that we would try a pilot project here to see if we couldn't work out the kinks. Now, the FBI has agreed to this program. They said it's the right thing to do. They will try a pilot project. If it works here, we'll see where else it can go.

So we take a very small amount of money, about half of 1 percent from the $2 billion plus going to NOAA, and we say we're just going to redirect a little of this money into something that we know can make a difference for those who are defending the United States of America and doing some of the hardest work that is out there.

So, if we do this amendment, I won't have to do an amendment later on that specifically outlines how we would do a housing project for FBI agents across America. And think of those high-cost cities like Los Angeles or Miami or Chicago, New York City, places in New Jersey, Atlantic City, the cost of housing is ridiculous. And they're not well-compensated to begin with, and to ask that extra burden isn't right.

So we're going to do two things. We're going to do that. Hopefully, if we do this, I will be able to withdraw my second amendment on the FBI housing allowance. And secondly, they have something called an up-or-out policy of which, by the way, I oppose, but I worked with the director to protect the pensions of those FBI agents that have been impacted by this up-or-out policy.

And by the way, the FBI, after this agreement last summer, sent an internal communications and said basically, hey, we're going to do this for you. For those of you who are impacted, and these are supervisors who have served well for their country and their community and the Bureau who had to step down from being a supervisor because they didn't want to be forced to move to a high-cost city in Washington, D.C., to further their career. Maybe their kids were in school, maybe they had to make other considerations. So they were forced not because of their lack of good work but because they were just serving in that capacity for 5 years. And those who were close to retirement, it significantly impacted their retirement, their pensions, and it's wrong.

There's a small number of agents that we can fix with this proposal that takes care of those agents who have served us all well. While we were sleeping, they were working. While we were in the safety of our barbecues, they were in danger protecting this country.

We owe it to them to have these two fixed. It's agreed to by the FBI director. It's agreed to by the FBI. We just need to get some language in to accomplish that. I would urge support of this amendment.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the gentleman's amendment.

The amendment proposes to increase the level of outlays in the bill. I don't think that's the intention, but that's the effect.

The fact is that the outlay rate in the NOAA account is 65 percent. The outlay rate in the FBI account is 80 percent. Therefore, the amendment is not budget neutral, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ROGERS of Michigan. Mr. Chairman, this certainly seems to me a change in policy. This is a straight transfer. Now, the other two amendments I understand we may have something to chat about, but this is a straight dollar transfer. We have reduced one account and increased another account. It is a straight transfer and should be considered made in order.

Mr. OBEY. Mr. Chairman, if I could respond, the fact is this may be a straight transfer as far as budget authority is concerned, but that is not the impact on the outlay side, and therefore, I ask for a ruling from the Chair against the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Michigan proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Committee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order is sustained.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK:

Page 11, line 19, after the dollar amount insert ''(increased by $21,100,000)''.

Page 16, line 20, after the dollar amount insert ''(reduced by $21,100,000)''.

Mr. MACK. Mr. Chairman, I first would like to start off by saying that I'm only here this afternoon because of a concern for an algae bloom that continues to grow off my coast. It's called red tide. It causes economic damage. It causes quality of life damage. It's also harmful to the fisheries.

I also understand that the majority is not really comfortable the way we constructed this amendment. I do want to say for the record that I've had a lot of support from Kathy Castor and Vern Buchanan on working, trying to get more research dollars on red tide.

Currently, NOAA has a program, a peer-reviewed program, that moneys are appropriated to that then are used for research all around the country on red tide and harmful algae blooms. This amendment would then fully fund to $30 million a year those research projects.

I spoke earlier to the chairman of the committee, and we talked about how we can move this ball down the road, how we can move forward on trying to get those research dollars up. It has a significant impact for our communities. The chairman was kind enough to agree to speak on this and to work with me and to work with my colleagues on ensuring that we at least have the discussion about making sure the research dollars are there.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I'm pleased to discuss this matter with the gentleman.

This issue was brought before the committee rather late, after we had marked up. The point was made on a bipartisan basis that the authorization for this program was not adequate. We accepted the authorization change on our bill and supported an increase in the authorization, I believe to $30 million.

The bill is already marked up, and we have funded this program at $8.9 million, recognizing that, like a lot of accounts in this bill, additional resources are needed. We would be pleased to work with the gentleman as the bill moves forward to see how we can augment this funding.

That's a difficult proposition, but we do commit ourselves to looking to see how and where we might be able to find some additional resources to fund these accounts, and we look forward to working with the gentleman in that regard.

Mr. MACK. Reclaiming my time, Mr. Chairman, I thank you for your remarks, and I do apologize for the last minute on this. We've been kind of trying to look through the language and understand completely what was there and what we need to do. We're going to continue to work through the authorizing committee as well. I appreciate the chairman's support.

Mr. BUCHANAN. Mr. Chairman, I rise in strong support of the Mack-Castor-Buchanan amendment to provide critical funding for red tide research.

Red tide threatens our environment, our health and our economy. But in recent years, the harmful effects of red tide have killed sea life, driven people from our beaches to our emergency rooms, and cost the economy millions of dollars in lost revenues.

This is a problem not just in Florida but in other coastal States.

Red tide is a naturally occurring phenomenon. Scientists differ on whether it is occurring more frequently and for longer periods of time. There is also disagreement on whether we should try to kill, contain, or minimize the impact of red tide.

That's why additional research dollars are needed. And that's why I support the Mack-Castor-Buchanan amendment.

My district is home to Mote Marine Laboratory, one of the Nation's premier private marine research laboratories. Mote conducts ongoing red tide research and research related to new methods for early detection of red tide, the role of coastal pollution and studies of ways to mitigate and control blooms.

This amendment would fund additional research at places like Mote Marine to better understand the issue, and these results of these studies can be used to develop better methods to predict and detect red tide, and if a consensus can be developed, control and mitigate red tide.

I want to thank my colleagues CONNIE MACK and KATHY CASTOR for working with me on this important issue.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 11, line 19, after the dollar amount insert ''(increased by $2,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $2,000,000)''.

Mr. JINDAL. Mr. Chairman, the 2005 hurricane season featured 14 hurricanes, including Hurricane Katrina, which devastated the gulf coast and became the most costly natural disaster in U.S. history. The season's hurricanes were responsible for over $100 billion in damage and over 1,800 deaths. Both Hurricanes Katrina and Rita devastated my home State of Louisiana.

On August 23, 2005, Hurricane Katrina was nothing more than a mass of organized clouds over the Bahamas, but later that day, the storm quickly intensified and headed toward the U.S. coastline. Late on August 25, the storm made the first landfall just south of Fort Lauderdale, Florida, as a category 1 hurricane. By early in the morning of August 28, Hurricane Katrina's winds reached a remarkable 175 miles per hour, a category 5 storm. Hurricane Katrina seemingly intensified overnight from category 3 to a category 5 hurricane.

Just before Hurricane Katrina made landfall on August 29, NASA's QuikSCAT satellite mapped the storm's wind speeds. The data from the satellite helped forecasters describe Katrina's dangers in public information bulletins issued just before the storm slamming into New Orleans. Unfortunately, forecasting efforts may be crippled as data from the QuikSCAT satellite will become unavailable as the satellite's lifespan expires.

Measuring a storm's intensity and tracking its direction are critical to determining appropriate level of emergency preparedness efforts. Forecasters need alternate methods to measure intensity in order to convey potential storm damage. In addition to space-based monitoring platforms on which hurricane research and forecasting scientists rely, new research is now being conducted by NOAA that will allow forecasters to recognize rapid changes in intensity much more quickly.

□ 1515

The National Hurricane Research Initiative has been estimated to have an annual cost of as much as $300 million, but will accelerate and improve measurement of hurricane wind structure. The President's 2008 budget request calls for just $2 million in additional studies aimed at improving hurricane intensity forecasts, an area that the NOAA Administrator claims is one of the agency's key concerns.

The amendment that I offer to the appropriations bill would double the President's increase for NOAA's hurricane intensity research. The amendment adds an additional $2 million to improve NOAA's ability to forecast hurricane intensity and to provide better and more usable information for emergency managers and the public. The activities will aid NOAA's operational hurricane forecasters and improve understanding of hurricane intensity and changes in storm structure, especially on the gulf coast where residents are so sensitive about potential evacuations, it would be extremely helpful to have better and more accurate information about intensity as well as the direction of a storm.

The offset comes out of salaries and expenses in the General Administration for the Department of Justice. This account received $104.7 million, which is $6.9 million more than last year's funding levels.

My amendment will reduce errors in the 48-hour hurricane intensity forecasting. I urge my colleagues to support my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentleman seeks to increase by a factor of two the hurricane intensity forecast capability.

There is a lot of concern with regard to this. We certainly are extremely sympathetic to the purpose of the amendment. We do not like the offset at all.

I am wondering if the gentleman would, and I will yield to him for a discussion of this, if the gentleman would like to work with us and secure this funding, do everything we can. I think $2 million we certainly can do as we process this bill forward to conference.

Mr. JINDAL. If the gentleman would yield?

Mr. MOLLOHAN. I yield.

Mr. JINDAL. I certainly would be happy to withdraw the amendment. I look forward to working with the chairman. I thank him for his interest in improving the ability of NOAA and to predict the accuracy and intensity of hurricanes as they form along the coast.

Mr. MOLLOHAN. The gentleman is totally correct. Additional funding in this area could be used. We are convinced of that. We look forward to working with the gentleman.

Mr. JINDAL. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents, Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

NATIONAL ACADEMY OF SCIENCES'

CLIMATE CHANGE STUDY COMMITTEE

Of the amounts provided for the ''National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', $6,000,000 shall be for necessary expenses in support of an agreement between the Administrator of the National Oceanic and Atmospheric Administration and the National Academies under which the National Academies shall establish the Climate Change Study Committee to investigate and study the serious and sweeping issues relating to global climate change and make recommendations regarding what steps must be taken and what strategies must be adopted in response to global climate change, including the science and technology challenges thereof.

The agreement shall provide for: establishment of and appointment of members to the Climate Change Study Committee by the National Academies; organization by the National Academies of a Summit on Global Climate Change to help define the parameters of the study, not to exceed three days in length and to be attended by preeminent experts on global climate change selected by the National Academies; and issuance of a report by the Climate Change Study Committee not later than 2 years after the date the Climate Change Study Committee is first convened, containing its findings, conclusions, and recommendations. Of such amount, $1,000,000 shall be for the Summit on Global Climate Change and $5,000,000 shall be for the other activities of the Climate Change Study Committee.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,039,098,000, to remain available until September 30, 2010, except funds provided for construction of facilities which shall remain available until expended: *Provided,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further,* That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code. *Provided further,* That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $64,825,000, to remain available until September 30, 2009: *Provided,* That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska, and the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be solisted, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further,* That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds: *Provided further,* That non-Federal funds provided pursuant to the second proviso be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act, 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $58,693,000.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ZOE LOFGREN of California:

Page 16, line 20, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 30, line 10, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $55,000,000)''.

Page 43, line 3, after the dollar amount insert ''(increased by $55,000,000)''.

Ms. ZOE LOFGREN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer this amendment on behalf of myself, Ms. LINDA T. SÁNCHEZ of California, Mr. DREIER of California, Mr. HUNTER, and Mr. CARTER of Texas.

This amendment would increase the State Criminal Alien Assistance Program funding by $55 million, a 14-percent increase over the funding level currently included in the bill.

The offset for this increase would be a transfer from three different accounts, $25 million from the departmental management of the Department of Commerce, $25 million from the Department of Administration from the Department of Justice and $5 million from the FBI's Construction and Acquisition Fund.

The State Criminal Alien Assistance Program, or SCAAP, provides critical

reimbursement to States and localities for the incarceration of undocumented criminal aliens. This program was created in 1994 to ease the fiscal burden on States and local governments.

SCAAP had its highest funding relative to authorization in fiscal year 1998, 1999 and 2000 under the Clinton administration when $585 million was appropriated. By increasing SCAAP by $55 million, this amendment would bring funding to States and local governments closer to the authorized amount. I would note that this would still be under 50 percent of the authorized amount for SCAAP of 48 percent, in fact. It would bring needed assistance to States such as California, Arizona, Texas, Florida and New York, all of whom have come to rely on SCAAP reimbursement to help absorb the high financial cost of incarceration of aliens.

Over the last 6 months, I have met with many Members of this House, both Republican and Democrat, to listen to their concerns about immigration as we examined the comprehensive immigration reform proposals and various elements of it. One of the issues that was raised on both sides of the aisle is the cost of incarcerating undocumented criminal aliens that is being passed on to States, counties and other localities.

I would note that this amendment, a modest increase of 14 percent, is endorsed by the National Association of Counties, and, likewise, we have a letter from 17 Governors who support increased SCAAP funding going to their States. These States' Governors include Arizona, Oklahoma, South Dakota, Oregon, California, Washington, Utah, Georgia, Florida, Kansas, Illinois, Virginia, New Mexico, New York, Minnesota, Texas and Nevada.

This is a good investment for local governments, for our States. It's part of shouldering our responsibility, because immigration is a Federal responsibility.

I think it's an item where, on a bipartisan basis, Mr. DREIER and I chair our respective State delegations, he the Republican delegation, I the Democratic delegation, that we can deliver jointly.

I respect a great deal, as Mr. MOLLOHAN knows, the chairman of this subcommittee. We have worked together on many items. This amendment should not be seen as critical of his wonderful efforts, but I think we can do just a little bit better, and I think our constituents and counties and our constituents and States will appreciate that we are doing something to ease the burden of incarcerating illegal immigrants.

I would note that all of the studies show that immigration is good for America. Legal immigration is good for America. It boosts productivity. We know that in our high-tech sector, more than half of the startups in Silicon Valley have an immigrant cofounder. There is much to revel in immigration in America.

But having said that, there are costs. This is one of them, something we can do something about, do something about. This bipartisan amendment really deserves the support of us all.

Mr. Chairman, I yield the remainder of my time to the cosponsor, Ms. LINDA T. SÁNCHEZ of California, noting that the Judiciary Committee on which we both serve is the authorizing committee. She has been a true partner in this effort.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I want to thank our chairwoman of the subcommittee, Ms. ZOE LOFGREN of California, for her efforts on behalf of this issue and many others as well.

I rise today to urge my colleagues to support this bipartisan amendment to increase funding for the State Criminal Alien Assistance Program, the SCAAP program.

The CHAIRMAN. The time of the gentlewoman from California (Ms. ZOE LOFGREN) has expired.

(On request of Mr. DREIER, and by unanimous consent, Ms. ZOE LOFGREN of California was allowed to proceed for 2 additional minutes.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the 2 minutes to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. When the Federal Government passed SCAAP in 1994, it recognized its responsibility to reimburse States and localities for the arrest, incarceration and transportation costs associated with criminal aliens.

Unfortunately, this program has been consistently underfunded. In fact, the President's budget proposal for next year provided no funds for SCAAP whatsoever. Fortunately, the Appropriations Committee and Chairman MOLLOHAN wisely allocated $405 million, $164 million more than the current level. However, this is not even enough.

States and localities are still only getting a small fraction of what they are spending. This inadequate funding has had a devastating effect on public safety, especially in California and other border States. At a time when many States and counties face budget shortfalls, every dollar reduced in SCAAP reimbursement means one dollar less to spend on essential public safety services.

Following SCAAP funding cuts in 2003, the L.A. County Sheriff's Department was forced to implement a new early release policy for inmates convicted of misdemeanors. From a public safety standpoint, it is far better for criminals to serve their full sentences.

Without adequate resources, other programs will have to be scaled back or cut all together. Programs that are in jeopardy could include basic police protection, anti-gang activities, homicide investigations, anti-terrorism activities and rehabilitation programs to reduce recidivism. We introduced this amendment to ensure that police chiefs and sheriffs do not have to choose between keeping children out of gangs and incarcerating criminal aliens.

I urge my colleagues to support this amendment.

Mr. DREIER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Chairman, I rise in strong support of this amendment.

I would like to first express my appreciation first to Chairman MOLLOHAN and to the gentleman from New Jersey (Mr. FRELINGHUYSEN) and to the members of the Appropriations Committee for increasing the level of funding within the committee.

My colleague Mr. CARTER, who is a coauthor of this amendment and was involved in this, in the work of the Appropriations Committee, I have to finally say we brought the level of the committee funding to exactly $405 million, which is where we actually had it last year.

I would say I was very pleased in working with then-chairman Jerry Lewis and other members of the Appropriations Committee in the 109th Congress to add an additional $50 million to the State Criminal Alien Assistance Program. We got to that $405 million level. This year we are at the same level thanks to the work of Messrs. MOLLOHAN, FRELINGHUYSEN, CARTER, and others who have been involved in this.

This was an issue that actually came to the forefront in 1994 when a number of us felt very strongly about the fact that cities, counties and States are not responsible for protecting international borders. It is the responsibility of the Federal Government to secure our Nation's borders.

It saddens me greatly that here we are, 13 years later, still struggling with the issue of securing our borders. Ms. ZOE LOFGREN, the distinguished Chair of the Judiciary Subcommittee on Immigration, has spent a great deal of time reaching out to me and others working on our effort to try to deal with this issue of border security and bringing an end to illegal immigration.

I will say that we haven't gotten there yet, as we found from the actions or lack of actions so far in the other body, and, frankly, in this House as well, on the issue. What we do know is it is still the responsibility of the Federal Government to secure our Nation's borders. That is why we should not, as a Federal Government, be imposing on cities, townships, counties or States the responsibility for incarcerating those who have come into this country illegally and have committed crimes against our fellow Americans.

□ 1530

I happen to live in Los Angeles County, and our county alone, the cost for incarcerating people who are in this country illegally and have committed crimes is in excess of $150 million a year.

The level of funding in this program is $405 million right now. If we are successful, which I suspect we will be, with passage of this amendment, we will add $55 million taken from accounts which I know concern the distinguished ranking member and I suspect the chairman as well, deal with the $5 million from the construction fund for the Federal Bureau of Investigation, and the administrative funds in both the Department of Commerce and the Department of Justice.

Mr. Chairman, we feel very strongly that as we look at the challenge of securing our borders, of ending illegal immigration, and of creating, creating a degree of equity when we look at the costs inflicted on local and State taxpayers, we need to pass this amendment.

We know that as we look at the challenges ahead, the costs are going to continue to be very, very high, as I said, with my county alone at $150 million. And the total program will end up, assuming passage of this amendment, to be $460 million for the entire country. We still have a ways to go.

I was very pleased, Mr. Chairman, in the 109th Congress, as I said, to have offered this amendment. I was hoping in the 109th Congress to have built the kind of bipartisan support that we enjoy for this amendment. I was saddened that we weren't able to do that, but we were nevertheless able to succeed in passing that and at the end of the day actually have that funding level increased. But as the problem continues, it is essential that we step up to the plate and take on our responsibility for dealing with this issue.

So once again, Mr. Chairman, I express my appreciation to all involved. The lead author of this amendment, Ms. ZOE LOFGREN, has worked, as I said, on the immigration issue for a long period of time, and I believe that she is going a long way towards addressing this question.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 3 additional minutes.)

Mr. DREIER. Mr. Chairman, I am happy to yield time to my friend from Texas, a member of the Appropriations Committee who has worked very, very hard on this, Judge CARTER.

Mr. CARTER. I thank my friend for yielding, and I thank both the chairman and ranking member of my committee.

I bring to this discussion and this bipartisan support, I hope, the perspective of having been in the trenches and having dealt with this issue.

I can't count on all the digits that I have the number of times that I have sat in a meeting of the Williamson County law enforcement group about the overcrowdedness of our jail in Williamson County, Texas, now a county of about 350,000 people.

We always look to see how many Federal prisoners we had in our jail, and always we would see 22 to 30 percent of these people would be what we considered Federal prisoners, illegal aliens, that had committed crimes. Now, yes, this is an immigration issue. Yes, it is a border protection issue. And these are issues that we all agree we must address. We will, I am confident, address them. But it is also a law enforcement issue. It is an issue that our people who enforce our laws at the local level and do the right thing, take them to court, try them, convict them, hold them while they are ready for trial, have space taken up by a responsibility of our Federal Government. And what we are doing here today is providing resources for those local people so that they can do their job and enforce the laws of the United States and of our various States.

This is a good use of our money to assist our locals, counties, States, and other authorities that have this duty of enforcing our laws in America, to help them do their job so we are not burdening the taxpayer at the local level and shifting funds from good things that keep our communities safe in order to keep these people in jail. And, believe me, they will do what it takes to keep them in jail.

So, therefore, let's do our job. Let's pass this additional funds for helping those who would incarcerate criminals on our behalf, and by that, I think we will be doing a good thing for our country.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the gentleman from Texas and, again, congratulate him on the hard work that he has put in this effort. His judicial experience is such that he understands this problem as well as any Member of this body. And I will join again of my California colleagues, Ms. SÁNCHEZ and Ms. ZOE LOFGREN, that I do believe that recognition now that we can do this in a bipartisan way is a very, very, very important achievement for this institution.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. And I want to begin by saying I am very impressed by the bipartisan presentation by the representatives from California, all of whom I respect very highly and many of whom I work very closely with.

Let me start off by saying their support for increasing SCAAP is not misplaced on its merits. Indeed, I am struck by the fact that their efforts on a bipartisan basis are evidence, pretty strong evidence, of inadequate funding, certainly in the request of the President. We have increased SCAAP by multi-billions of dollars, as we have already said, above the President's request. But the one argument against the bill that comes from the minority side is that we have too much money in this bill to fund the priorities in this bill.

I think this amendment is evidence in an argument against that position. There is not too much money in this bill to fund the priorities in this bill, and SCAAP is certainly a priority.

Let me help those who are moving this amendment with their argument. Certified requests for reimbursement to this SCAAP account from the jails, the sheriffs, and the State prison systems would demonstrate or would evidence the fact that there is twice the certified merit for reimbursement of this program than this program has funded.

In other words, we are only having 50 percent of the money that is in the bill. And even if we raise it, it is virtually not increased much more. We are only funding 50 percent of the certified demand for this program in this bill. Well, that is not unusual. There are a number of programs in this bill that certifiably we are only meeting 50 percent of the need.

When I was before the Rules Committee, the distinguished gentleman, Mr. DREIER from California, talked about our increase in funding for Legal Services. Well, we have increased Legal Services by $28 million in this bill to $377 million. And there is a study that was recently completed, a credible study that we are only serving 50 percent, just coincidentally, of the demand of people across the country who need legal services, but because of their financial condition cannot access the courts of this land. Now, that is meritorious.

It is meritorious, I believe, that we have a program, Legal Services Corporation, that meets that need and allows people to access the legal system. If equal protection under the law means anything, it means equal access to the law. So we have a legal services program to do that, but it is only 50 percent adequate in its funding. Well, SCAAP is only 50 percent. So we all have to sacrifice here, and this is a reimbursement program to States and local governments that are incarcerating illegal aliens. It is meritorious. So is Legal Services. I am just saying that the funding is inadequate, Mr. Chairman, and that we need additional resources in this bill.

So now we are down to prioritizing, and we think that we have done a good job in crafting the priorities of this bill. We are funding Legal Services at 50 percent. Legal Services' high watermark in 1995 was $400 million. We are not there, but SCAAP is there. We are not there. We are not back there. We are at $377 million in this bill.

SCAAP is not disadvantaged in this bill. Relatively speaking, look back over the years. In 2005, SCAAP was funded at $305 million. From 2005 to 2006, it jumped to $405 million. Why? Because of the good efforts of the distinguished chairman of the Appropriations Committee at the time, Chairman LEWIS, and the chairman of the

Rules Committee at the time, Mr. DREIER, to effect an increase of $100 million.

So if you go off the base of 2005 of $305 million, Legal Services was increased to $405 million; we funded it at $375 million. At full committee, it was increased back up to $405 million. It is where it was. It is where it was last year. Relatively speaking, off of that 2005 base, SCAAP is enjoying a privileged position in this bill of strongly competing programs which rate merit.

So now where is the offset? So I am just saying, admitting, acknowledging, stipulating to SCAAP being underfunded, along with a lot of programs, State and local programs, as well as agency programs in this bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word and to yield 2 minutes to my chairman.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes and yields 2 minutes.

Mr. MOLLOHAN. I thank my distinguished ranking member, Mr. FRELINGHUYSEN.

Since we are talking about increasing inadequate funding in the bill, Mr. Chairman, let me explain that in our law enforcement agencies, we had a gap in the funding of the bill versus the need. The Department of Justice faced the challenge to fill authorized positions in all of its components, and partly as a result of chronic gaps between the funding requested by the President and the appropriation for these administration accounts and the true cost of paying for raises. We had going into this bill, underfunding in the Department of Justice, which we have tried very hard to address.

The offsets for funding SCAAP in this amendment impact those administration accounts in Justice and in Commerce. These are real people doing real jobs, and we have very carefully funded them. These accounts are underfunded by the President, just like SCAAP and just like Legal Services are underfunded. We have tried to balance priorities as we move forward, and there are lots of people concerned about these offsets.

This amendment proposes to offset $25 million in the S&E accounts for the Department of Commerce. Commerce runs good programs. The amendment proposes to offset $25 million in the Department of Justice for general administration. The Department of Justice has a lot of programs to administer, and many are State and local programs which distribute those funds to our local law enforcement. We can't cut either program by $25 million. This would hurt real people with real jobs. We are not funding overemployment in these agencies and we are not funding salary increases at adequate levels, either.

A lot of folks are concerned about this, and that is why we tried to balance the bill fairly. The folks that are going to be RIFed and laid off are government employees and are concerned about it. Their union representatives, the American Federation of Government Employees, AFL–CIO, are concerned about amendments such as this one and they have written us a letter:

''Dear Chairman MOLLOHAN, On behalf of the American Federation of Government Employees, AFL–CIO, I strongly urge you to oppose any amendments that would substantially reduce fiscal year 2008 funding for the salaries and expenses account in the Department of Justice agencies.'' And they are concerned about the others besides Commerce and Justice as well. These offsets have cavalierly, I would say, respectfully, targeted these administrative accounts.

I thank my ranking member for yielding me time. I respectfully engage this debate with my colleagues who I respect, and it brings me to respectfully opposing this SCAAP amendment. If our bill were to receive any more money, and I note that the Senate has $800 million more, maybe we can address these concerns in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I reluctantly oppose the amendment as well. And obviously we have a strong appreciation and affection for the power and the reasonableness of the delegations from California and Texas. The nexus between Texas and California is a pretty strong nexus here.

And I am supportive of SCAAP. I think Mr. DREIER kindly has acknowledged that the committee did put money in there through a Honda amendment, and obviously we would like to plus it up. The costs have somewhat escalated from what we originally anticipated from the floor debate here.

But I would agree with the chairman. The cuts that are proposed from these accounts actually affect real people.

□ 1545

And in the Commerce Department management account, and I know Mr. DREIER is an advocate of trade, it's a 40 percent cut in the management account for the Department of Commerce, which leaves them with 60 percent for operating costs. And for the Justice Department general account, which is $104 million, $104.8 million, this account is reduced by $25 million. They're down to $79 million. That means people out the door who are doing prosecutions that are important to all of us, perhaps even related to the issues that we're focused on today, which is criminal aliens.

So I reluctantly oppose the amendment, but certainly am sympathetic and have been because I've been well educated by not only the Member of Congress from California.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. FRELINGHUYSEN was allowed to proceed for 3 additional minutes.)

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman from California is kind to yield to me. I reluctantly oppose the amendment.

Mr. DREIER. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. And, Mr. Chairman, I will again state my great appreciation to the distinguished chairman from West Virginia and the gentleman from New Jersey. And the gentleman from New Jersey has just bragged on the States of Texas and California, and I will reciprocate by bragging on both New Jersey and West Virginia and saying that they're both great and very important States.

And I suspect that in West Virginia and New Jersey, the challenge of trying to deal with the cost of the incarceration of people who are in this country illegally and have committed crimes is a very serious and important one, and I recognize the sensitivity.

I personally am not a huge proponent, as I said earlier in response to the distinguished chairman of the subcommittee's comments on the Legal Services Corporation when he was testifying before our Rules Committee. And as I look at the numbers for both of these accounts, and I know that my friend from New Jersey, when the chairman and the ranking member were testifying before the Rules Committee, argued for a slightly, he said that he believed that the level overall could be slightly lower. And I looked at the level of funding, and the gentleman is absolutely right. I am a huge proponent of trade, breaking down barriers, and I want to do everything that I possibly can to expand export opportunities for the United States around the world.

But as I look at the level of funding, Mr. Chairman, for both the Department of Commerce and the Department of Justice, the Department of Commerce actually has a 7 percent increase over the President's request, 6 percent of the level of funding last year. That's $468 million more than has been requested by the President, and that's in the case of the Commerce Department. In the case of the Department of Justice, it's $1.7 billion more than the President has requested.

Now, in both of these areas we know that the President is absolutely committed to dealing with the crime problem, which is a very serious one, and obviously with the issue of expanding trade opportunities. And the overall level of funding in both of these areas is significantly higher than what was expended last year and what the President's request level is.

And I think that as we look at establishing priorities, it, from my perspective, is relatively, relatively, and I'll say that a third time, relatively easy. And I know how tough it is for the two gentlemen who manage this area to find that State Criminal Alien Assistance Program funding is, in fact, a

very high priority for both Democrats and Republicans, as I said, for people in both West Virginia and New Jersey, as well as California and Texas and, frankly, all across the country. And so I would hope that as we move ahead with this process, that we'll see support in this House for this amendment.

And I know that as the two gentlemen head to working with our colleagues in the other body and ultimately with the administration, I hope that we will be able to keep this issue on the forefront as a very important priority.

Mr. FRELINGHUYSEN. I yield back, Mr. Chairman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are advised that under the 5-minute rule, Members who move to strike the last word may yield to other Members, but not for specific lengths of time. When the Chair purported to recognize Mr. MOLLOHAN for 2 minutes, in actuality that signified only that Mr. FRELINGHUYSEN would reclaim his time after that interval.

The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PRICE of Georgia:

Page 16, line 20, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 65, line 21, after the dollar amount insert ''(increased by $2,000,000)''.

Mr. PRICE of Georgia. Mr. Chairman, this is an amendment in a little different vein. It's an amendment to increase funding in the Math and Science Partnership Program under the National Science Foundation by $2 million, and reduce by $2 million the Department management salaries and expenses under the Department of Commerce.

I'll offer an amendment here to increase American competitiveness and to improve opportunities for America's children. My amendment proposes to offer additional funding to the Math-Science Partnership Program under the National Science Foundation. We must fund important priorities to ensure that our Nation continues to see positive growth in our youth in the area of math and science.

In my home State of Georgia, I recently had the opportunity to join over 25,000 students and teachers and researchers from 31 different countries at the Georgia Dome for the FIRST competition. The FIRST, as many of my colleagues know, stands for For Inspiration and Recognition of Science and Technology. It's a robotics competition. If any of my colleagues haven't been to a robotics competition, I encourage them to go see one. It is a remarkable experience.

I was extremely impressed with the level of enthusiasm and the remarkable educational benefit with this type of an initiative that's provided to thousands of American students. We should continue to promote this and other similar programs throughout the Nation.

I'm sure that my colleagues recognize the significance of promoting a strong interest in math and science and technology education. These fields of learning and research are vital to our country's continued success. In fact, investment in basic research and programs like this is an essential element in assuring future prosperity, security and leadership in our rapidly evolving world.

The National Science Foundation has a mission to achieve excellence in science and technology, engineering and mathematics educational at all levels and all settings, from kindergarten through postdoctoral training. One of the most important successful initiatives under the NSF is the Math and Science Partnership Program, established in 2002, to strengthen and reform mathematics and science education for children around the Nation.

It's important to offer children guidance and examples set by mentors and role models, and provide students the opportunity to learn about the importance of higher education, and they're exposed to career options, especially from those folks who love and are enthusiastic about science and engineering and mathematics.

Under this commendable program, each State administers its own competitive grant program for institutions of higher education, K–12 schools and local partners.

In addition, the MSP program focuses on raising educational standards to prepare children for postsecondary education in math, science or engineering.

This program is worthy of additional funding because of its positive results for improving math and science skills which are vital for a developing workforce that's capable of increasing America's competitiveness internationally.

All jobs of the future will require a basic understanding of math and science. In fact, the 10-year employment projections showed that of the 20 fastest-growing occupations, 15 of them require significant math and science preparation.

This small adjustment is a symbol of our greater commitment to STEM education programs. Support for these programs is vital for the continued success of our children, our citizens and our Nation, and I encourage my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I find myself agreeing with everything the gentleman has argued, and at the same time being, unfortunately, opposed to his amendment.

It's hard for any of us to argue or to have a desire in our hearts to do anything but increase the National Science Foundation. We all understand what good work it does.

NSF provides competitive, peer-reviewed granting that translates into cutting-edge research that is the foundation for the future economic viability of the Nation. Our economy is increasingly becoming an international one, and we have to be on the cutting edge.

That's why we have funded NSF at a rate that guarantees its doubling in a 10-year time span. We embrace and salute the doubling and have been responsive to that need that is expressed by members and the community.

Nothing is more important than funding education, and increasing NSF and its ability to develop and implement programs to facilitate education and to incentivize our best and brightest young people to go into math and science, and to choose those careers. That's what NSF does very well. The gentleman wants to facilitate that by augmenting our funding in the education accounts for math and science partnerships. I commend him for the initiative.

I oppose the amendment because we have funded the Math and Science Partnership Program. We increase it significantly in our bill, and I'm sure the gentleman knows that. We increased it $20 million over the President's request of $46 million for a total of $66 million. That's a 43 percent increase. And I will say that not only is it a generous increase, but perhaps it's an increase they need time to absorb.

The fact is that we have significantly increased Math and Science Partnerships $20 million over the President's request, funding it at $66 million.

Where does the offset money come from? It comes from Commerce. For every one million dollars that you offset in these administration accounts, at least seven people would be laid off. We're not funding these administrative and S&E accounts with the idea that we can use this funding for amendments on the floor. We're funding these accounts at the requested level or at the levels that we've discerned are adequate pursuant to information that we've received in our hearings. We're on the level with funding in these administration accounts. Again, I think

these offsets are cavalier. No matter how meritorious the object of the funding increase, it's cavalier to cut S&E accounts.

The employees are saying, help. Time out. Stop. Their organizations, like the American Federation of Government Employees, AFL–CIO, are writing to us. They're saying, please stop invading these administrative accounts.

With that comment, Mr. Chairman, I yield to my distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, let me join with you in congratulating Mr. PRICE for pushing something which the committee has pushed, which is promoting math and science, especially encouraging young women to get into those pursuits and academics.

Mr. PRICE has indicated to me that he would be willing to withdraw his amendment if he had a commitment from us that we would work hard as we progress in putting our bill together matching it with the Senate to see what we could do to increase these accounts.

I should point out that we are doing more, as you have noted, for the National Science Foundation.

The CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

But our committee reverberates in every sense. It is an echo chamber that not only NSF, but NOAA, NASA, and all of these agencies ought to be promoting math and science education. So I will be happy to work with you.

Mr. PRICE of Georgia. I thank my friend from New Jersey, and I appreciate the chairman's comments, and I appreciate what the committee has done in terms of bumping up this money. I'm so impressed with the opportunities that children can have with appropriate programs like the FIRST program and like the math and science program.

I look forward to working with you as we move forward through this process to make certain that we're bringing all the resources to bear to be able to give our kids the greatest opportunity in the area of math and science.

Mr. MOLLOHAN. With that representation, I'll be extremely pleased to work with the gentleman in that regard.

Mr. PRICE of Georgia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1600

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $3,364,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than ten percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Section 3315b of title 19, U.S.C., is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".

SEC. 106. Section 214 of division B, Public Law 108–447 (118 Stat. 2884–86) is amended by:

(1) inserting "and subject to subsection (f)" after "program" in subsection (a); and

(2) deleting subsection (f) and inserting the following:

"(f) FUNDING.—There are authorized to be appropriated to carry out the provisions of this section, up to $4,000,000 annually.".

SEC. 107. (a) Section 318 of the National Marine Sanctuaries Act (16 U.S.C. 1445c) is amended by:

(1) inserting "and subject to subsection (e)" following the word "program" in subsection (a); and

(2) deleting subsection (e) and inserting:

"(e) FUNDING.—There are authorized to be appropriated to the Secretary of Commerce up to $500,000 annually, to carry out the provisions of this section.".

(b) Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2001 (Public Law 106–553) is repealed.

SEC. 108. Notwithstanding the requirements of subsection (d) of section 4703 of title 5, United States Code, the personnel management demonstration project established by the Department of Commerce pursuant to such section 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by striking section 5 and paragraphs (1) and (3) of section 4, and redesignating paragraphs (2) and (4) through (13) of section 4 as paragraphs (1) through (11), respectively.

(b) Section 212(b) of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security for and construction of Department of Justice facilities, to remain available until expended: *Provided*, That not to exceed 45 permanent positions, 46 full-time equivalent workyears, and $12,684,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 24 permanent positions, 24 full-time equivalent workyears, and $3,734,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 22 permanent positions, 22 full-time equivalent workyears, and $2,968,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, it had been previously the intention of Mr. PLATTS and myself to offer an amendment to title II of the bill. In discussions with the chairman, we will not be offering that amendment today, but I rise to speak briefly on an issue that I know is of great importance to Chairman MOLLOHAN, and that is the issue of juvenile justice.

Mr. Chairman, I would like to thank Chairman MOLLOHAN for his incredibly hard work on this bill. I am particularly glad that the bill contains a significant increase for the Department of

Justice's Office of Juvenile Justice and Delinquency Prevention. At $400 million, the OJJDP saw a $62 million increase from last year's level. It received $120 million more than the President requested in his budget. It would be hard to overstate how meaningful these increases are going to be to the juvenile justice community.

The amendment that Mr. PLATTS and I were going to offer today would have increased the Juvenile Justice Title II State Formula Grants by $5 million. States rely on these grants to achieve and maintain compliance with the core requirements and protections of the Juvenile Justice Delinquency Prevention Act. These requirements protect children who become involved with the courts and ensure that the treatment and services they receive are appropriate for their age, their stage of development, and are suited to their specific offense.

Mr. Chairman, when I was in the State legislature, I had the great honor of working on issues related to juvenile justice, and we made great strides in Connecticut in terms of bringing more appropriate care to children in our juvenile justice system and really moving from simply punishment and towards prevention and rehabilitation. These kids don't have lobbyists. Many of them don't even have a home. And as a result, they are often forgotten and voiceless in the halls of State legislatures and here in Congress. Mr. MOLLOHAN and his office have sought to bring a voice back to these children, and I hope that we can build on that.

Since 2002, States have seen an 11 percent decrease in State formula grants authorized under the JJDPA, meaning that States have had fewer resources with which to keep kids safe and handle their cases appropriately. States use these formula grants to divert status offenders away from jails and towards appropriate community-based programs to assist them and their families. Status offenders are children under the age of 8 who have committed acts that would otherwise not be considered crimes if they were adults, like skipping school, running away from home, and the possession or use of tobacco. Status offenders may not be held in secure detention or confinement, with a few exceptions.

States also use these funds to monitor adult lockups and ensure that youth are housed in age-appropriate settings. They enact mandates that youth may not be detained in adult jails and lockups. When children are placed in adult jails or lockups for any period of time, sight and sound contact with adults is prohibited.

States across the Nation are using these funds for very innovative programs to provide children with much more appropriate care. There is very little political utility in State legislatures and here in Congress to stand up for children who have gotten into our criminal justice system, but these funds are used to give these children another shot at success in life.

I am glad to be joined by Mr. PLATTS from Pennsylvania, who was going to cosponsor this amendment, and I would be glad to yield to him at this time.

Mr. PLATTS. Mr. Chairman, I will quickly just say that I am honored to have joined with the gentleman from Connecticut in offering this amendment. I want to commend him for his leadership both in the State legislature and now here in Washington on issues important to our Nation's youth.

I also want to reference I am the ranking member of the Healthy Families and Communities Subcommittee of the Committee on Education. And our chairwoman, Chairwoman MCCARTHY, has been a great leader this year on issues dealing with juvenile justice and the needs of our youth. And I just appreciate the efforts here in trying to strengthen our juvenile justice system and our treatment programs so that our youth get the services, the treatments they need as well, as the appropriate imposition of justice based on their age and stage of development. And that is what this amendment sought to do.

I very much appreciate the chairman of the subcommittee and the ranking member for their efforts in addressing the funding needs of this area and their efforts to work with the gentleman from Connecticut and me and others as we go forward to strengthen the funding for these very important programs so we can do right by the youth of our Nation and help those who are troubled and get into difficulties with the law to be treated and be rehabilitated and, as the title of the underlying act, the Juvenile Justice Delinquency Prevention Act, to prevent delinquency in the years to come.

So, again, I appreciate the gentleman from Connecticut's leadership on this issue.

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Mr. PLATTS again. And I would like to thank Mr. MOLLOHAN for his commitment to this issue. This is a very important increase in the underlying bill in juvenile justice funds. I know he is committed to continuing that upward trend. That is going to mean a great deal to the children who have ban caught in our juvenile justice system and still have a great opportunity to be productive members of society once their time is served.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Our bill demonstrates an upward trend in juvenile justice programs, indeed, Mr. Chairman. That has been a real focus and priority of this subcommittee as we have marked up the bill.

We have increased funding in juvenile justice programs $120 million over the President's request, and that is $62 million over 2007 funding. Why? Because of efforts from Members like Mr. MURPHY, who has been all over this issue, and I value very much his expertise as he has communicated with the subcommittee. He has expressed his concerns about juvenile justice, about the problems that these programs address; and he is really to be commended. He has also made it clear that Mr. PLATTS has been very active in this effort as his colleague, and I commend Mr. PLATTS as well.

We look forward to working with them as we move this bill forward, but also in future years to ensure that the juvenile justice programs not only are funded appropriately but also that they are focused as they should be so that we make sure this funding is spent to maximize not only its efficiency but its effectiveness.

So, Mr. PLATTS, Mr. MURPHY, we thank you for your assistance with regard to this issue, and we look forward to working with you.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 21, line 7, insert after the dollar amount ''(reduced by $6,250,000)''.

Page 25, line 12, insert after the dollar amount ''(increased by $750,000)''.

Page 29, line 19, insert after the dollar amount ''(increased by $5,500,000)''.

Mrs. BIGGERT. Mr. Chairman, I offer an amendment with my colleague from Florida (Ms. GINNY BROWN-WAITE) to the fiscal year 2008 appropriations bill to help the Department of Justice crack down on mortgage fraud.

This amendment will increase funding to allow the Department of Justice to secure two additional prosecutors, enable the FBI to hire 30 additional agents, and support the FBI's interagency task force operations to combat mortgage fraud.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I understand what the gentlewoman wants to do in terms of mortgage problems, and I understand that the source of her money, the offset, is from general administration for the Department of Justice.

Mrs. BIGGERT. That is correct.

Mr. OBEY. And given the performance of the Attorney General in the other body yesterday, I see no great harm in taking $6 million away from him; so I would be happy to accept your amendment.

Mrs. BIGGERT. I thank the gentleman.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in strong support of the Biggert-Brown-Waite amendment to H.R. 3093, the Commerce, Justice, and Science Appropriations bill.

Our amendment is vital in the FBI's efforts to crack down on the rampant mortgage fraud in our Nation.

FBI research showed over 3,000 reported incidents of mortgage fraud in 2000, but more than 37,000 in 2006.

This shocking, 10-fold increase shows that predators are hitting more and more homeowners in all walks of life—from first-time homebuyers to seniors.

My great State of Florida reported the highest incidents of mortgage fraud in 2006, followed closely by California, Michigan, and Georgia.

The FBI's fraud caseload is growing dramatically, but the funds in this bill do not go far enough to keep pace.

Our amendment transfers $6.25 million from the Department of Justice's General Administration account to the Offices of the United States Attorney and the FBI.

These funds will help provide additional staffing and resources so the FBI can get an adequate handle on these growing cases and bring relief to Americans who, in trying to achieve their dream of owning a home, have instead experienced their greatest nightmare.

I urge my colleagues to support the Biggert-Brown- Waite amendment.

Mrs. BIGGERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 21, line 7, insert ''(reduced by $4,500,000)'' after the dollar amount.

Page 21, line 26, insert ''(reduced by $4,125,000)'' after the dollar amount.

Page 22, line 9, insert ''(reduced by $3,375,000)'' after the dollar amount.

Page 22, line 19, insert ''(reduced by $10,500,000)'' after the dollar amount.

Page 22, line 25, insert ''(reduced by $52,500,000)'' after the dollar amount.

Page 46, line 6, insert ''(increased by $75,000,000)'' after the dollar amount.

Page 47, line 24, insert ''(increased by $75,000,000)'' after the dollar amount.

Mr. WEINER. Mr. Chairman, for those viewers of this debate each year and for my colleagues who think that really very little had changed when the House of Representatives changed from majority Republican to majority Democrat, we are seeing in this bill very profound changes in policy in this country, and none is more profound than the difference in the approach to the COPS program. This year's bill has $100 million for hiring in the COPS program.

In the COPS program, as many of you know, more than 100,000 police officers in small towns, big cities throughout the country were hired in the period beginning in 1995. Yet shortly after the beginning of the Bush administration, the COPS program was slashed and slashed and slashed to essentially die on the vine.

As you see in this chart, in 1995 you had in the neighborhood of 20,000 cops being hired each and every year. In 2005 and 2006, 2007, it was down to zero.

In this year's bill, to the enduring credit of the chairman and ranking member and members of the committee, this is now being funded at $100 million. That is going to allow us an opportunity to hire many, many more police officers.

Now, we have also, in the first couple of months of the new Congress, passed a reauthorization of the COPS program for another 50,000 cops on the beat. Now, it has gone to the other side of this building. It has gone to the other body and seems to be doing what so much legislation does, and that is dying a slow, excruciating death. They say the other body is the ''cooling saucer of democracy.'' They have turned into the deep freeze when it comes to many of the things that this House is doing.

But what this amendment seeks to do is to say let's take that success and let's take it even further. This is one of the programs, the COPS program, it is democratic with a small ''d.'' If you are in a small town, conservative neighborhood, you have gotten COPS. If you are in a big city like mine, you have gotten COPS. What the COPS program argues is that Federal law enforcement, that Federal anti-terrorism means helping local authorities hire more police officers. That is why the Fraternal Order of Police, the International Association of Chiefs of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, the National Sheriffs Association all support dramatically increasing this program.

□ 1615

Now, Chairman MOLLOHAN has taken a program that has essentially been killed and gives it more life. And this is what we need to continue on the trend towards. Now, whether we do it more in this bill with my amendment, or whether we finally get the other body to reauthorize the program and we can start doing this in regular order, we need to realize that as Tom Ridge, the former Secretary of Homeland Security, once said, ''Homeland security starts in our hometown.'' We can't just say to cities, go out and protect yourselves. We need a Federal program that works.

Now, I don't mind pointing out that at the apex of the hiring was also the highest point in our crime reduction in this country. We have seen over the course of several FBI index reports that it has started to creep up more and more and more, and by no small measure because of the reduction in the COPS program.

We need to continue on this arc. The committee has done an excellent job in doing that.

I would be glad to yield to the chairman if he has any feedback for me.

Mr. MOLLOHAN. I appreciate the gentleman from New York's interest in this. As a matter of fact, he was the mover and shaker in the Congress in pointing out that we had 2 years of successive increases in violent crime in the country. He was the first one to point out that in the 1990s, the COPS, the Community Policing Cops on the Beat Program, was extremely effective in reducing that; and in large part, along with other Members, advocated and encouraged the committee to reactivate the COPS hiring program, and we've done that. We've done that with $100 million, which we think will fund approximately 2,700 policemen.

This is a down payment. This is an initiative, and the gentleman is to be commended for providing the impetus for that initiative. So I thank him. We look forward to working with him in future years. I know this is a program that, because of its proven effectiveness in the past, is going to get increasing attention in the future.

Mr. WEINER. Reclaiming my time, I thank you for your attention. And when you're in conference with the other body, if you can grab them by their institutional lapels and get them to move on our COPS throughout the Nation.

Mr. MOLLOHAN. We're going to be up to it.

Mr. WEINER. I appreciate it.

Mr. Chairman, I request unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $100,500,000, to remain available until expended, of which not less than $21,000,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement and homeland security missions, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $81,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which, $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examination Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,260,872,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $74,708,000 including not to

exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $750,584,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $139,000,000 in fiscal year 2008), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $16,097,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee System, as authorized, $189,000,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That amounts deposited in the Fund in fiscal year 2008 in excess of $184,000,000, but not to exceed $231,899,000, shall be available until expended for the necessary expenses of the United States Trustee System as provided in section 589a(a) of title 28, United States Code: *Provided further,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $883,766,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended; and of which not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $2,451,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $9,000,000 is for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,794,000: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any such transfer shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from these appropriations may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $6,498,111,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided,* That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $170,000 shall be available in 2008 for expenses associated with the celebration of the 100th anniversary of the Federal Bureau of Investigation.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 19, insert '', increased by $1,000,000 and decreased by $1,000,000,'' after ''$6,498, 111,000''.

Mr. KING of Iowa. Mr. Chairman, this is an amendment that I bring to the floor here reluctantly. It's an issue of conscience, and I think an issue of appropriate posture that this Congress should take.

We have been, throughout the course of some in the 108th, and many in the 109th, and now more issues coming up within the 110th Congress that have to do with questions about the propriety of some of our Members, both sides of the aisle, Republicans and Democrats. And we're well aware of some of those cases. In a number of those cases, it was a good thing for us to step above that and seek to improve the integrity of this body.

The public is aware, I believe, that there is an investigation that is underway. It has been taken up by the Department of Justice and published in

the New York Times, in the Wall Street Journal, and a number of other places, and the circumstances being that a former member of the Ethics Committee stepped down from the Ethics Committee to avoid the appearance of impropriety during an investigation. And yet, since that investigation began, the same Member has opted to step forward and take on the gavel of the very appropriations committee that deals with the funding of the investigation that's being conducted.

This was an issue that was a subject matter before the Judiciary Committee in hearings that brought our Attorney General Alberto Gonzales forward. And I asked the Attorney General, after the allegation was made by a majority member on the committee about impropriety of investigations or political intimidations on the part of the Department of Justice, I asked the Attorney General if he was intimidated. I said, ''The question I would ask,'' and this is quoting from the CONGRESSIONAL RECORD, ''to you is, Mr. Attorney General, if the chairman of the Justice Appropriations Committee happened to have been under that kind of scrutiny, would that affect the kind of prosecution that takes place out of your Justice Department with regard to that particular Member of Congress?''

The question has been raised, it's been raised by the national media, it's been raised before the Judiciary Committee, and it needs to be raised here on this floor while we deal with this issue of propriety. I make no allegations about guilt or innocence. I simply say that there is a huge question of impropriety when the chairman of justice approps has in one hand the gavel, and in the other hand the pursestrings that funds the very people that are conducting the investigation.

I bring this amendment forward to strike $1 million out and put $1 million in so that that $1 million can be used directly and exclusively for the investigation that's going forward and has been going on since December 2005. That's not swift and sure justice. That doesn't let this Member off the hook. He deserves an answer far more quickly from December 2005 until at least July of 2007.

All of those issues before us are raised and should be considered by this body. And I urge that the Members consider the reason that I reluctantly brought this amendment forward to take $1 million out and put $1 million, but to direct that that money be used to accelerate and complete the investigation that's underway now that casts such a shadow over this entire process, and particularly this appropriations process that's taking place before us here on the floor of Congress.

I think it's inappropriate. I think a decision should have been made by the Member. It has not been. That's why I have to bring this forward.

I urge the Members to support this amendment, and I intend to be able to review the RECORD that we expect to have on this amendment. So I would urge adoption of this amendment directing $1 million for the FBI to continue and accelerate their investigation so that they can either move forward to completion, or clear the individual who sits underneath this cloud.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, it's obvious how reluctant the gentleman is to bring this before the body. He has offered an amendment which does absolutely nothing in order to give him an opportunity to talk about something he says he doesn't want to talk about. Only in Washington would that be believable.

Let me simply say that I think I know something about the Code of Ethics in this House. I wrote the Code of Ethics in this House in the 1970s, and I think I know something about what this House regards as a conflict of interest.

Let me simply point out that the gentleman from Iowa has objected to a Member of the House chairing a subcommittee which oversees the agencies that he says are involved in an investigation of that Member. The fact is that that gentleman in question has recused himself from all matters relating to the FBI, the Attorney General, the Criminal Division, and U.S. attorneys. That's why I am here on the floor handling those portions of the bill today.

The gentleman in question has not reviewed any reprogramming letters. He has not reviewed any Member requests for any of the attendant agencies involved in that investigation. He has not presided over any hearings. He has not participated or made any recommendations with respect to funding either on this bill or in the continuing resolution.

So let me simply say that if the gentleman has a strong view about what the House rules ought to be, then the proper place to take that up is not on an appropriation bill. The proper place for him to take that up is with the Standards Committee and with the leadership of both Houses. By taking it up here, it is simply an excuse to bring into question the actions of one Member. And it would be very easy for us to respond in kind with respect to the activities of a number of Members on that side of the aisle. We choose to stay above that and allow the proper committee to deal with the issue.

Mr. Chairman, I do, very regretfully, yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I am disappointed by the introduction and consideration of this amendment.

I can attest to what the chairman of the full committee said about my colleague and friend recusing himself from any consideration. He has been absolutely scrupulous in terms of that regard.

I'm not a lawyer, but there are quite a number of lawyers here. Everyone under the law is entitled to due process. And I can't talk about how long this process has taken, but I have every confidence that justice will be served, and hopefully in an expeditious manner.

But I'm, indeed, sorry that this amendment has been brought to the floor. I think it is totally inappropriate. Obviously Members have a right to make motions of this kind.

Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. As cochair of the Judiciary Appropriation Subcommittee, someone who has attended these hearings all the way through, I am disappointed by this because I think it calls into question every single member of this committee and the integrity of every single member of this committee in saying that you're calling into question the integrity of this committee and what we have done as a work product as a committee. This is not the product of one individual; this is a product of a committee. So I take great exception to this Member's amendment and the questions that he has raised here.

I stand behind this work product, as do the colleagues that I serve with on this committee, both Republicans and Democrats. I serve proudly with this chairman. And we've worked as a bipartisan committee, worked together on a bipartisan basis in order to produce a work product that meets the needs of the public, to meet the needs of the law enforcement community in this country, and, I might add, way over and above the President of the United States' request for law enforcement, way over and above the request for law enforcement that this administration has put forward.

So I might say that it is ironic that this amendment comes up, that under this chairman, this law enforcement has gone further and farther than it has, indeed, under many, many previous chairs of this committee.

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For that reason, Mr. Chairman, I support today's mark and I ask my colleagues to do the same.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, in this body, anyone has a right and an

opportunity, as the gentleman has taken advantage of, to raise whatever issue one wants. The gentleman raises an issue in the context of virtuousness and virtuosity. He raises a virtue issue here; he argues it from a premise of virtuosity.

I have no doubt that the gentleman is a good person and that the gentleman is a virtuous person. But I would suggest that the gentleman, number one, has expressed a greater knowledge about any investigation than I have. Perhaps he has inside knowledge about it. But I could not tell you actually if it exists, because I have never been approached with regard to it.

Number two, I would suggest that as the gentleman raises his point in the context of virtue, that he might want to be very cautious, because, as he says, he reluctantly does it, and he might want to be concerned about those who have raised this issue initially perhaps failing his test of virtue. I simply suggest that as a caution to him when he raises this kind of an issue in this context.

I could suggest that it is unworthy to raise it in this context because it is obviously ad hominem. But I am not going to go there. I would just suggest that the gentleman, as he contemplates this issue and as he raises a virtue question, that he satisfy himself in his own mind that those who have initiated and perpetrated this effort, that he contemplate the possibility that their motives are not pure and that they, in this instance, are not virtuous.

Mr. Chairman, I yield back the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JORDAN of Ohio. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Ohio for coming to the floor and gaining some time to give me the ability to respond to the gentleman from West Virginia.

Mr. Chairman, I listened to his response. His response was measured. It was appropriate. But I didn't hear a response to the question about the intimidation factor and, in fact, the appearance of impropriety that the man holding the gavel is also holding the purse strings of the agency that is doing the investigation, according to the New York Times and the Wall Street Journal and a number of other publications across this country.

I think that is an appropriate question. I think this Congress has to ask that question. I think we have to answer that question. I had hoped that it would get asked and answered by the leadership on the majority side of the aisle. The leadership knew about this when they made the appointments to the Chairs of the committee.

So it is reluctantly that I bring this here. I wish that someone had stepped forward and taken this cup from me. But I can't cross this spot, which I recognize to be the Rubicon, knowing what I know, without raising the issue for the Members, to ask them to make a decision as well.

It is appropriate for any Member to raise an issue when it hasn't been properly dealt with by the leadership of this Congress. It is appropriate to lay facts out in front and debate those facts. It is not inappropriate to ask questions and ask for answers.

There is a lot more data here that I am aware of, but, factually, this is as far as I care to go with this issue. I want to ask the Members to make a decision. History will make a decision on this moment here on the floor of this Congress. Our decision is just temporary, but history will write this.

Mr. JORDAN of Ohio. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: ": *Provided further*, That not to exceed $16,000,000 shall be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.".

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, distinguished Chair of the Appropriations Committee, I hope we can work this issue out. This is language that was agreed last year by both parties to take care of two, I think, very important fixes for the Federal Bureau of Investigation.

We have a segment of agents who are being punished, for lack of a better term, for not choosing to come back to Washington, DC. They have served their countries ably. They have served their tours as brick agents and worked the streets, and kicked in doors, and arrested drug dealers and mobsters, and gone after terrorists, and done all that hard work that we ask them to do every single day. Unselfishly, so, they have done it.

Through that course, they have decided to be supervisors and pick an area of expertise. In this particular case, they have picked a supervisory specialty that might be white collar crime, or it might be organized crime, or it might be counterterrorism or it might be foreign counterintelligence. That expertise allows them to lead these agents to better investigations.

In a new policy implemented by the FBI Director, these fairly senior agents, it asked them to step aside if they chose not to come back to Washington, D.C. Some of them had their kids in high school.

You can imagine being in Des Moines, Iowa, close to home, and you have got 18 or 19 years of Federal service, maybe they are former military before that. They have got lots of Federal service, looking to move on in a few years. That is a hard choice for them to make. In doing so, it cost them that added benefit to their pension for serving in a leadership capacity in the FBI.

So what we simply did is last summer worked out some language with the FBI Director that said we were not going to let these 200 or so agents be punished by this new policy. They deserved to have that pension at the rate of service which they have ably given their country. Again, this language was agreed to by both parties last year, but because this was a continuing resolution and it was dropped in conference, we did not have that opportunity to get this fixed.

The second part of that, which I can talk to in the second amendment, is also about a housing allowance that would allow agents, for the first time, like other Federal agencies working in major cities across the United States, to enjoy a housing allowance in these very high-cost areas, so that we can keep, retain and really say thank you to the hardest working FBI agents who are working to protect the homeland.

With that, I would hope that the chairman and I could work this through and try to find some conclusion to what we have already agreed to needs to get fixed for these people, who, by the way, have already been told their pensions will be fixed, and yet to this date have not.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I must insist on my point of order.

Mr. Chairman, I certainly understand what the gentleman is trying to accomplish, and I probably agree with it. But, nonetheless, this committee is not the proper venue and this legislation is not the proper legislation upon which to raise the issue.

During the consideration of the Labor-H bill last week, I had to object to a number of amendments and lodge points of order because they were not appropriately offered to that bill, even though some of them were from my side of the aisle and I agreed with them.

This amendment, while I would certainly be happy to work with the gentleman, this amendment cannot be accepted by the committee without violating the rules of the House, and so therefore I make a point of order against the amendment because it provides an appropriation for a non-authorized program and therefore violates clause 2, rule XXI, which states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

The amendment proposes to appropriate funds for a program that is not authorized and therefore violates clause 2, rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. FRELINGHUYSEN. Mr. Chairman, first of all, let me thank Mr. ROGERS not only for his congressional service, but for his other life before he came to Congress. As I sort of said in my opening remarks, all of us on this floor salute the men and women who are special agents. They do dangerous work. The gentleman has been unstinting in terms of educating me as the new ranking member, you didn't have to do it to the other side, as to the sort of things that were discussed by Representatives WOLF, HOBSON and ROGERS.

We tried in our bill to give some direction and impetus to having these issues of retention up and out and housing allowance raised to a higher level of interest by the FBI Director. We are not going to stop that push.

The gentleman may or may not be successful with his amendments, but I am still committed, and I am sure the majority is, if there is something going on here that is unfair, promises haven't been kept, we are going to do our level best without authorizing on this bill to see that it is done.

I support the Chairman's point of order.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. ROGERS of Michigan. Yes, Mr. Chairman, I do.

Mr. Chairman, I thought this amendment was in order. But, in that vein, I thought I heard the chairman say that he would be willing to work with us maybe in conference and we could find some language that might be acceptable to the chairman where we could kind of conclude this deal that I think we all have agreed to in the past, that maybe we can work out that language in the conference.

Mr. Chairman, I just thank the gentleman for his willingness to sit down and work with us.

The CHAIRMAN. If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The proponent of an item of appropriation carries a burden of persuasion on the question of whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 6 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: '': *Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Breau of Investigation began implementing the policy.''.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, just for the purpose of a very short colloquy, I think we established the two issues here that we are trying to get resolved, and I would again just ask the chairman if he would have that willingness to work with us and see if we couldn't find some language acceptable to the chairman to correct these two egregious items. These agents certainly shouldn't bear the brunt of any disagreement.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I think on this issue there are certainly questions of equity on both sides. I think they need to be resolved. I understand why the FBI wants to follow the policy that they follow. I also understand why agents themselves feel it is unfair leaving them with the reduced retirement possibility.

So, again, I would be happy to work with the gentleman to see if we can't persuade the agency to come up with an agreeable solution to the problem.

□ 1645

Mr. ROGERS of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $33,191,000, to remain available unitl expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,842,569,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2008: *Provided further*, That, beginning in fiscal year 2008 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of

the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution, or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent (1) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(1)(10) of such title), (2) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials, or (3) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 669, of which 642 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,171,440,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For the modernization, maintenance, and repair of buildings and facilities, including all necessary expenses incident thereto, by contract or force account, $95,003,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); $430,000,000, including amounts for administrative costs, to remain available until expended as follows:

(1) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $205,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which—

(A) $20,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act; and

(B) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $63,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(5) $10,000,000 for sexual assault victims assistance, as authorized by section 202 of the 2005 Act;

(6) $40,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $6,000,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $10,000,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $40,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $15,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act;

(13) $8,000,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act; and

(14) $10,000,000 for an engaging men and youth in prevention program, as authorized by the 2005 Act.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 38, line 20, after the dollar amount insert ''(increased by $10,000,000)''.

Page 39, line 22, after the dollar amount insert ''(increased by $10,000,000)''.

Page 66, line 7, after the dollar amount insert ''(reduced by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I would like to begin, first of all, by thanking the chairman of the subcommittee and the ranking member for their good, hard work on this bill. They are very dedicated to seeing that we spend our taxpayers' dollars wisely.

Today I rise to offer an amendment to help break the cycle of violence against women, especially those living in the rural areas. We are facing an epidemic in this country. Sexual and domestic violence can happen to anyone, regardless of race, age, sexual orientation, religion or gender. One in four women will experience domestic violence during her lifetime. It is a frightening statistic, I think.

To be safe in their communities, women need to be safe in their own homes. Of the over 12,000 domestic violence victims reported in my State of West Virginia in 2005, a total of over 8,600, or 68 percent, were victims of intimate partner violence. What used to be called a ''family matter'' is now a crime. The Violence Against Women Act was much-needed landmark legislation that helped transform the perception of domestic abuse as a serious crime and created programs to increase access to services for women and victims.

My amendment builds on the successes of the last decade and prevents more women from suffering in silence. Victims of domestic violence and sexual assault in rural and remote communities face unique obstacles in their efforts to escape abusive and dangerous relationships. The geographic isolation, economic structure, and particularly strong cultural pressures and social pressures, and lack of available resources in rural jurisdictions significantly compound the problems confronted by those seeking support and services. Nonreporting of sexual assault in rural areas is a particular problem.

Other barriers to domestic violence and sexual assault intervention in rural communities may include gaps in the 911 emergency system that may delay responses, underfunded and understaffed law enforcement agencies that hamper the criminal justice response, and lack of legal representation for protective orders and other civil matters pertaining to domestic violence.

Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Grants fund cooperative efforts between law enforcement, prosecutors, and victim services. They provide treatment, counseling and assistance to victims, and work with rural communities to develop education and prevention strategies.

Last year Congress funded this program with $38.8 million. The committee's recommended funding level for this year amounts to only a $1.2 million increase over last year's appropriations for the Rural Domestic Violence Grants program.

Meanwhile, the National Science Foundation Agency Operations and Award Management line item, which was the old salary and expense line item, stands to receive $285.59 million. This amounts to an increase of over $37 million, or 13 percent.

My amendment would boost funding for the Rural Domestic Violence and Child Abuse Enforcement Assistance Grants by $10 million without costing the taxpayers additional money.

I ask my colleagues to join me in support of this important amendment to help provide victims with the protection and services in the rural areas they need to pursue safe and healthy lives while simultaneously enabling communities to hold offenders accountable for their violence.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentlelady offers an amendment to one of the grant programs in the Violence Against Women Office of the U.S. Department of Justice. To give a little bit of context to the amendment, the Office of Violence Against Women was funded in fiscal year 2007 at $382.571 million. The President requested $370 million, about $12.5 million less than was funded in 2007. So the President's request for the office was decreased. He requested less money than was appropriated last year.

In addition to that, the President wanted to eliminate all of the grant programs, including the one that the gentlelady seeks today to increase funding for specifically. The subcommittee increased funding over the President's request by $60 million. So the subcommittee looked at the Violence Against Women Office and looked at the scourge that office addresses and fights every day and the programs that the office administers, and we said not only do we need to increase the President's request from last year's level, we need to increase this program above the President's request, and we did by $60 million. We also rejected the President's request to eliminate all of the grant programs under Violence Against Women. We retained those grant programs and those categories, and then we funded each and every one of them handsomely.

So the request before us today, or the recommendation of the committee before the body today, increases over Fiscal Year 2007 funding by $47 million, over the President's request by $60 million. As for the grant program that the gentlelady offers an amendment to, we fund it at $40 million, which is 100 percent over the President's request, because he wanted to eliminate that program, and 3 percent over the 2007 funding.

Now, there is no question that the Office of Violence Against Women deserves adequate funding. That is why we funded it at $60 million over the President's request. It enjoys a privileged position on our committee. Chairwoman DELAURO is aggressive in her leadership on this issue as is every member of our subcommittee. The Rural Domestic Violence Assistance Grants have been funded at $40 million and are extremely proud of that funding level.

The gentlelady looks for her offset in the National Science Foundation, the premier research and development agency in the United States Government. It offers peer-reviewed granting; it looks at education programs; it looks at research programs, cutting-edge, transformational research, the research that we rely upon in order to ensure our competitiveness in the arena and also lay a foundation for our competitiveness in the global economic marketplace.

Don't make any mistake about it, everyone who has testified before our committee agrees the National Science Foundation is not only an economic security issue, it is a national security issue, and it is not the place where we ought to be taking funding. There is a recognition that we need to double the funding for the National Science Foundation, and that is the track we are on with the level of funding in this bill. We should not, and hopefully we won't, reduce funding to the National Science Foundation by $10 million. That would knock us off of the track.

To summarize, Mr. Chairman, funding in the Violence Against Women programs is robust: $60 million above the President's request. The particular grant programs, one of which the gentlelady addresses, each have been retained, and each of those grant programs has been funded robustly.

So, like every other account in this bill, we could use additional money, and if the budget resolutions that the minority would vote for would allow us additional money, we would be pleased to look at increasing funding for violence against women programs.

But given our allocation, and given the priorities and the conflicting demands in the bill, and given the importance of the National Science Foundation and the robust nature of our funding for violence against women, I must oppose the gentlelady's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. BAIRD. I have great respect for the gentlelady's intent here. As a clinical psychologist before entering this body, I worked with victims of domestic violence and have been a strong advocate for the Violence Against Women

Act and other things to support victims of domestic violence.

The challenge I face here, and I think we all face, is that this is not a good offset. As Chair of the Research and Education Subcommittee of the Science Committee, I have met extensively with the National Science Foundation, and I will tell you that they are already substantially overstretched in their ability to manage the numbers of grant applications and oversee the grants that are already being administered.

The President himself has asked for a substantial increase in funding for the National Science Foundation. That has broad bipartisan support within this body and within the other body.

If we were to cut the management funds, as this proposes, we would dramatically impair the NSF's ability to manage that increase; indeed, to manage their current workload.

I have met with the people managing the grant process at the NSF. I have met with the applicants, and we have spent extensive time on this in our subcommittee. While I support the intent of trying to provide more funding for violence against women, this is not the way to do it.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. I would like to read very briefly from the agency operation and award management section because I agree with you. I was a science major in college. I am very dedicated to the forward-leaning research and development that NSF has provided.

But in this particular account, this is for agency operations and award management necessary in carrying out the National Science Foundation Act, services authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, not to exceed $9,000 for official reception and representation expenses, uniforms or allowances therefor, rental of conference rooms in the District of Columbia, and reimbursement for security guard services.

I tried to look for an area that would not harm research or researchers or the dedicated folks that are working on forward-leaning and futuristic advances for our Nation. I am very concerned about domestic violence in the rural area, and that is why I pinpointed this particular area.

Mr. BAIRD. I appreciate that. I understand you have done that, and I respect the diligence here.

The challenge they face is they are literally bursting at the seams. They do not have office space, sufficient computer architecture, they do not have sufficient personnel. I can't vouch, and it would be foolish for any of us to try to line-item or justify each and every expense, but I can tell you what they have told me is they lack the space.

If you are finding items for conference room rentals for meetings, that is perfectly understandable to me that when you have people coming back to have meetings, you may occasionally need additional space.

My bottom line here is this is an agency that I think by and large gives a very strong return on investment for the government and for the taxpayers, and a $10 million cut to an administrative fund for an agency that already tells us they lack adequate resources I think is excessive.

I am sorry, I am going to have to say we should defeat this amendment and try to find other ways. As the distinguished gentleman mentioned earlier, we have already seen substantial investments in this area over and above the President's request as far as the area of violence against women.

□ 1700

I would just encourage the gentlelady to say well done to the Democratic majority for adding to this relative to what the President offered.

But I would urge my colleagues, and I can tell you personally from having met with and visited with NSF administration, they do not feel, and my understanding, they can sustain a $10 million cut to any portion of their budget. But the administration portion is what enables them to manage the grants, to manage the research that this country's future and domestic security and economic competitiveness depends on.

So I'd urge defeat of this well-intentioned amendment with unfortunately an undesirable offset.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FATTAH) having assumed the Chair, Mr. SNYDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3093

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3093 pursuant to House Resolution 562, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that reduced-time voting in the Committee of the Whole may span the intervention of a rising of the Committee for the administration of the oath of office to a Representative-elect in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Members are advised that the 2-minute voting authority just granted may be applied to questions already postponed.

APPOINTMENT OF CONFEREES ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oberstar, Ms. Eddie Bernice Johnson of Texas, Mrs. Tauscher, Messrs. Baird, Higgins, Mitchell, Kagen, McNerney, Mica, Duncan, Ehlers, Baker, Brown of South Carolina, and Boozman.

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. Rahall, Mrs. Napolitano, and Mrs. McMorris Rodgers.

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on

the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) had been postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the Victims of Crime Act of 1984, $250,000,000, to remain available until expended: *Provided*, That not to exceed $127,915,000 shall be expended in total for Office of Justice Programs management and administration.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 41, line 19, after the dollar amount insert ''(reduced by $34,000,000) (increased by $34,000,000)''.

Mrs. BIGGERT. Mr. Chairman, I offer this amendment with the gentleman from Texas (Mr. LAMPSON).

Every year, the National Center for Missing and Exploited Children, or NCMEC, receives funding through the Justice Assistance Account's Missing Children Program. For the past several years, the House has allocated funding in the Missing Children Program to NCMEC; however, in this year's bill, there is no allocation. My amendment carves out of the Missing Children Program $34 million for the National Center for Missing and Exploited Children.

Authorized by Congress in section 404 of the Juvenile Justice and Delinquency Prevention Act, the National Center is a true public-private partnership, funded in the current fiscal year by Congress at $26.6 million and augmented by $11 million in private sector donations.

Since its inception in 1984, NCMEC has handled more than 2.1 million calls, trained 226,000 professionals, printed and distributed over 42 million publications, worked more than 130,300 missing children's cases, and perhaps most importantly, played a role in the recovery of more than 112,900 children. In fact, NCMEC's total recovery rate is an impressive 96.3 percent.

Furthermore, the National Center operates the CyberTipline, the congressionally mandated ''911 for the Internet.'' NCMEC has handled more than 475,000 leads since March 1998. These leads have resulted in hundreds of arrests and prosecutions for such crimes as child pornography, online enticement of children, and sexual molestation.

Mr. Chairman, for generations the message was simple. Parents told their children to never talk to strangers. My parents told me, and I told my children. Times have changed. There are more threats to our children, and our message must change with technology. Similarly, the role of the National Center has changed. The Internet opened a new world of child exploitation, and in order to sufficiently protect our children, we must give the National Center the resources it needs to help keep our children safe and at home.

I would urge my colleagues to adopt this amendment.

Mr. Chairman, I know that you are committed to the National Center for Missing and Exploited Children, and I know that this will be an important issue discussed at conference, and I understand that you would like me to withdraw this amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman for yielding, and at the same time, let me compliment her for her leadership in this area and her concern for this huge problem and these extremely important programs that are focused in these organizations.

We have funded this account handsomely. The bill provides $61.4 million for missing children programs. As we move to conference, I know the gentlelady is interested in funding for particular organizations to focus on the problem. We are as well. At the same time, we want the universe to be able to access these programs, and that's the way we have structured our bill.

As we move toward conference, we look forward to working with the gentlelady with regard to her particular concerns in this area.

Mrs. BIGGERT. I think that if the gentleman would commit to working with Mr. LAMPSON and me to sufficiently fund the National Center for Missing and Exploited Children at conference, I would be willing to withdraw the amendment.

Mr. MOLLOHAN. Well, we are and we will work toward that. I know that we are going to become more specific in these accounts as we move toward conference. We anticipate that, and we look forward to working with the gentlelady in that regard.

Mrs. BIGGERT. Reclaiming my time, I guess I was really concerned because in the past there's always been the definite allocations for these various groups.

Mr. MOLLOHAN. There have been earmarks for it, and what we are looking forward to doing is working with the Senate on this, and we anticipate and will work with the gentlelady to do just that.

I can't commit to a specific result here, but I can assure the gentlelady that we will work for funding for the National Center for Missing and Exploited Children, as we move through conference. All this time working with her is all that I can commit to specifically.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I would like to enter into a colloquy with the chairman.

First of all, I want to thank the chairman and ranking member of the committee. Many of you remember, last year I was down here haranguing the committee for dropping the ''O'' for oceans out of NOAA, and I want to thank the chairman for putting the ''O'' back into the National Oceanic Atmospheric Administration in this year's CJS appropriations bill, and I want to thank the gentleman for providing ample funding for the National Marine Sanctuary program as well.

It is the funds in the sanctuary program's construction account that I would like to ask the chairman about.

The Monterey Bay National Marine Sanctuary would like to build a visitor's center in the city of Santa Cruz. This center will be the only one of its kind in the country. The site was chosen because it attracts people that do not regularly have access to the ocean.

It is my understanding that this project is one of NOAA's highest priorities, and they intend to grant the city of Santa Cruz $5 million from the construction account for the visitors center.

The question is, is it the intent of the committee to support the partnership between NOAA and the city of Santa Cruz by providing NOAA with the necessary funds so that they can grant the $5 million to the city of Santa Cruz for the construction of the visitors center? The money is included in the bill.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Yes, and that's the intent of the committee, to work with you in this regard.

Mr. FARR. I thank the chairman. That was the purpose of this, to get that intent on record, and I want to thank the ranking member as well.

AMENDMENT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ETHERIDGE:

Page 41, line 20, insert ''(increased by $1,747,111)'' after the dollar amount.

Mr. ETHERIDGE. Mr. Chairman, I offer this amendment with my colleague, Mr. REICHERT of Washington State, to force the administration to really do right by the widows and orphans of fallen public safety officers.

For nearly 4 years, the U.S. Department of Justice has been dragging its

feet on providing benefits to the families of brave men and women who have died in the line of duty protecting their communities.

There are more than 200 claims, some of which have been waiting for decisions since 2003, languishing in the Public Safety Officers' Benefits office at the Office of Justice Programs.

This is in clear conflict with the intent of Congress, which unanimously passed the Hometown Heroes Survivors Benefits Act to expedite cases and streamline the process. Instead, there has been delay after delay from the Department of Justice, and the PSOB office has created an incredibly complicated system that even personnel at the PSOB office have been confused by.

My amendment would simply ensure that there are enough benefits personnel to deal with this backlog, enough appeals officers to address the concerns of families who are wrongfully denied, and additional managers or ombudsmen to help streamline claims and interact with claimants to make an emotional and difficult process easier.

We owe our first responders no less than to be sure that their loved ones are taken care of if they fall while working to ensure that our communities are safe. These families should not have to jump through hoop after hoop to receive what they justly deserve.

JoAnn Tilton of Katy, Texas, whose husband, Fire Chief Gary Tilton, died of a heart attack after responding to a traffic accident, has waited 2½ years to hear from the PSOB office.

□ 1715

In that time she has been asked for volumes of information, been given conflicting information. She had basically been given the runaround in a bureaucratic marathon. She is one of the lucky ones, because at least she has gotten information from the PSOB office, even though that information includes having been told that a decision would be made earlier this month, before going forward with the claim. Now she is going to have to go through a second round of medical information reviews.

Shelly Hardin of Hope Mills, North Carolina, whose husband, Sergeant James Heath Hardin, died of a heart attack while working to apprehend a criminal, did not even receive notice from the PSOB office that their claim was being processed. The PSOB office still cannot say when they will begin the processing.

They are but two of the hundreds of individuals whose lives have been tragically disrupted, once by the death of the loved ones, and whose lives continue to be disrupted by the Department's delays. These additional funds will make sure that they wait no longer.

The brave men and women who serve our communities every day, many of whom volunteer their time, don't ask when they get a call from someone in distress. They act immediately, and the Justice Department should do the same.

The history of the Hometown Heroes Act is riddled with delays. The first delay came when they proposed regulations that were in direct conflict with the legislation. Then came more delays when they quibbled over wording and phrases and claims that they were waiting for approval from the OMB.

It took 3 years to finalize the process. Since the law went into effect, only 10 families have been approved for the Hometown Heroes benefit out of 264 that have applied. Forty-seven claims have been denied, and more than 200 families still await a verdict.

The U.S. Justice Department appears to be intentionally misinterpreting the intent of Congress to create the presumption that the death was caused by work in the line of duty. I urge the Justice Department to act swiftly and fairly on the remaining claims to provide the needed benefits, the much-deserved benefits.

I urge my colleagues to support these amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. REICHERT. Mr. Chairman, I am proud to stand today with my good friend Mr. ETHERIDGE in support of this amendment to the CJS appropriations bill.

Nearly 4 years ago the President signed into law the Hometown Heroes Survivors Benefit Act. This legislation, which was championed by the author of this amendment Mr. ETHERIDGE, corrected a technicality in how public safety officers' benefits were paid. Specifically, the law allowed for families of those killed in the line of duty, by heart attack or stroke, to claim the benefit. It sounds simple.

I didn't have the opportunity to vote for this legislation because at the time I was the sheriff in King County, Seattle, Washington, completing my 33-year law enforcement career. During my time as a police officer, I saw firsthand the pain that a family endures when they lose a loved one. I have lost partners over those 33 years that I was in the Sheriff's Office in Seattle. I know that pain. It doesn't go away.

But yet they go out on the street day after day after day, and they put their lives on the line. Their families are standing there with them. Unfortunately, the families, who are dealing with this pain, and who are eligible for this compensation under the Hometown Heroes Survivors Benefit Act, are being stalled and denied by our government.

It took the Department of Justice almost 3 years just to issue a rule that would dictate how these benefits would be paid. On top of the 3 years, in the last 10 months, since the rule was issued, only 10 claims have been completed favorably, which averages to 1 claim a month. There are approximately 200 claims left, as Mr. ETHERIDGE indicated, still in limbo.

I have seen the tears of these families. We just met with three families last week. Through the Federal Government's inaction and complacency, more tears will be shed.

This is absolutely unacceptable, outrageous. This amendment is simple. It will double the current funding for the Public Safety Officers' Benefit Program. This amendment will take away the excuse that the Department of Justice does not have the people or the resources to process these claims. The issue of taking care of first responders, as I have said, is close to my heart.

Let's take care of the families. Let's implement a law that we put into the books years ago. Passage of this amendment will send a strong message to our Nation's first responders that we, the United States Government, truly stand behind them and their families.

Please support the Etheridge-Reichert amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to support the Etheridge-Reichert amendment. The Attorney General of the United States, Alberto Gonzales, was up here on the Hill this week. The Attorney General was trying to appeal to the United States Congress of the United States, trying to appeal to the American people to restore the American people's confidence in the Justice Department. I think one of the first steps he can take to restore confidence in the American people and the Department of Justice is to ensure that the people who are on the front lines of the war against terror here in our own country, the men and women in blue, the people who are protecting our men and women across this country from crime, in our neighborhoods and our cities and our towns, that those people who make the ultimate sacrifice and lay down their lives for the protection of our citizens in our own communities, that those people, when they make that ultimate sacrifice, that this country is not going to let them down. It's not going to let their families down.

The notion that we're going to make them wait for an insurance policy, make their families wait, make their widows wait, make their orphans wait, is an insult. The fact that the Department of Justice is not willing to simply step up and pay $250,000 tax-free dollars to the widow and children of fallen officers who have fallen in the line of duty protecting people in this country from the criminal element of this society is unforgivable.

The fact that this Attorney General is up here on the Hill and has no understanding of this, has no sensitivity to this, is one more example of how out of touch this Attorney General is.

This amendment, this Etheridge amendment, is another example of how this Congress has to remind the executive branch who needs to be in charge when it comes to running the pursestrings around here, where the priorities of the American people are. The priorities of the American people are let's spend money where our law enforcement is. That is where their families are.

This, my friends, is where our hometown heroes are. In my State we have people like Deputy Assistant Day, who died trying to fight a fire, and his family's widow is still waiting for that benefit. In the 1970s, President Nixon put the public safety officers' benefit in at $100,000. We never even increased it. We tried to increase it; wasn't even increased for rate of inflation, cost-of-living adjustment. I worked to try to increase it, as did Mr. ETHERIDGE.

It took 9/11, unfortunately, it took a crisis like 9/11, before we were able to attach this bill to the PATRIOT Act and get it included as part of the PATRIOT Act and get it pushed through this Congress so that we could increase it up to over $250,000. Now that it's up there, and it's tied to the rate of inflation, it's there.

But it's not going to do a lot of good unless it's going out the door, and it's going into the pockets and into the households and the families that need it. That's why we need to pass this amendment to give the administration and the Department of Justice the resources it needs in order to give them no more excuses in order to process these claims and get those families the resources they need in order to take care of the widows and the orphans of our fallen heroes.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in support of Mr. ETHERIDGE's amendment. I can tell you that the beneficiaries of the Public Safety Officers' Benefit Program and the Hometown Heroes Survivors Benefit Program are extremely lucky to have advocates like Mr. ETHERIDGE in the United States House of Representatives. I mention him first and most often because he has been all over this issue for the last 6 months, since I have been chairman of this subcommittee.

I am extremely pleased to see Mr. REICHERT on this, a person who comes from law enforcement, who understands the issues of law enforcement, and is probably personally acquainted with cases of disappointment of beneficiaries under this program. It is tremendous that this program is bipartisan.

You can tell by Mr. KENNEDY's remarks and the sincerity behind them that this is an issue of vital concern to the subcommittee as well. Mr. KENNEDY has been championing Mr. ETHERIDGE's cause and Mr. REICHERT's cause through the process of this bill.

I give credit to these people because they have been especially attentive to this concern. It is, indeed, something that we should be concerned about.

As we talk about homeland security, as we talk about State and local law enforcement, and as we recommend a bill with this kind of funding to the House of Representatives, we have to be mindful of those people who have made sacrifices and who have suffered greatly. That's what these programs are about. That's why the Congress authorized them, and that's why we have provided appropriations for them.

It is not acceptable that the Department of Justice has not moved these beneficiary cases, with far greater expediency than they have. It is actually a denial of the benefit that some of these cases have been processed so slowly. So that's the initiative, that's the purpose of Mr. ETHERIDGE's amendment.

I am pleased to accept the amendment because of its merit.

Mr. Chairman, I yield to my ranking member, who has likewise been passionate about ensuring that the Department of Justice moves these beneficiary programs in the Office of Justice programs.

Mr. FRELINGHUYSEN. Thank you for yielding. I echo your sentiments.

Let's move on this amendment. I highly support it.

Mr. MOLLOHAN. Mr. Chairman, we accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

□ 1730

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,315,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided,* That funding provided under this heading shall remain available until expended as follows:

(1) $600,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162 (except that the special rules for Puerto Rico under section 505(g) of the 1968 Act, as amended by section 1111 of Public Law 109–162, shall not apply for purposes of this Act), of which $25,000,000 is for State and local law enforcement for security associated with the 2008 Presidential Candidate Nominating Conventions, to be divided equally between the conventions; and $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement;

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), as amended by section 1196 of Public Law 109–162;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, municipal governments only for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $124,500,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;

(5) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(6) $15,000,000 for activities authorized under Public Law 109–164;

(7) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act, as amended by section 1142 of Public Law 109–162;

(8) $7,500,000 for a prescription drug monitoring program;

(9) $25,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $1,800,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) $5,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected;

(12) $31,000,000 for assistance to Indian tribes, of which—

(A) $12,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $12,000,000 shall be available for the Tribal Courts Initiative; and

(C) $7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(13) $1,000,000 for a capital litigation improvement grant program;

(14) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act; and

(15) $10,000,000 for sex offender management assistance as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and

the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322):

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) (including administrative costs), $725,000,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided—

(1) $30,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of part Y of the 1968 Act;

(2) $85,000,000 is for grants to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177;

(3) $128,000,000 is for law enforcement technologies and interoperable communications;

(4) $15,000,000 is for an offender re-entry program;

(5) $12,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $175,000,000 is for a DNA analysis and capacity enhancement program, and for other local, State, and Federal forensic activities, of which not less than $151,000,000 shall be for reducing and eliminating the backlog of DNA samples and for increasing State and local DNA laboratory capacity;

(7) $18,000,000 is for improving tribal law enforcement, including equipment and training;

(8) $80,000,000 is for programs to reduce gun crime and gang violence;

(9) $4,000,000 is for training and technical assistance;

(10) $49,692,000 is for the Office of Weed and Seed Strategies, as authorized by section 103 of the 1968 Act, as amended by section 1121 of Public Law 109–162;

(11) not to exceed $28,308,000 is for program management and administration; and

(12) $100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 47, line 1, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 47, line 14, after the dollar amount, insert ''(increased by $15,000,000)''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Chairman, this amendment is really very straightforward. It would add $15 million to the $15 million presently designated for jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. My amendment would offset this increase by taking $15 million from a new offender reentry program that the underlying bill appears to authorize.

Mr. Chairman, there is no doubt that reentry programs play a critical role in the criminal justice system, ensuring that offenders who are released back into our communities receive the assistance they need to make them productive members of our communities. Indeed, millions of offenders are released back into our communities each year. More often than not, these individuals are released back into society without support, increasing the likelihood of recidivism, jeopardizing the safety of our communities, and ultimately increasing the cost to society.

In fiscal year 2006, more than $13 million in Federal funds were awarded to States to assist them with their reentry programs. During that same year, more than $146 million was allocated to the Federal Bureau of Prisons to help community corrections centers across the Nation get inmates who are close to being released the assistance they needed.

This Congress, the House is set to consider H.R. 1593, the Second Chance Act of 2007, of which I am an original cosponsor. This legislation would, among other things, reauthorize State and local adult and juvenile reentry programs at a level of $65 million for fiscal year 2008 and 2009. Yet, at the same time we cannot forget the needs of our communities. More must be done to give State and local law enforcement the resources they need to combat the violent crime and gang activity that continues to plague our cities, including my city, Cincinnati, particularly violent crimes committed with firearms.

According to the Bureau of Justice statistics, in 2005, 65 percent of all murders, 42 percent of all robberies, and 21 percent of all aggravated assaults that were reported to police were committed with firearms.

Moreover, the violent crime associated with gang activity continues to leave residents in our Nation's cities and towns feeling like prisoners in their own homes. In my own city, Cincinnati, crimes committed with firearms, local gang activity, and drug trafficking continue to threaten the well-being of law-abiding citizens. In fact, this past spring the Cincinnati City Council voted to obtain the help of renowned Professor David Kennedy to assist the city in fighting violent crime.

Making additional funds available in this jurisdiction and jurisdictions across the country will empower residents of cities and towns to take back their communities and make them a safer place to live and work and raise our families. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I admit to being a bit confused by the gentleman's logic here, who I have great respect and great regard for. He comes out of an exemplary academic background, and I can't imagine how we could be thinking differently on this amendment. Nevertheless, we do, and I rise in strong opposition to the amendment as I understand it.

I am particularly pleased that the bill provides $80 million for State and local grants to address violent crime and gun crime across the Nation, the two issues that the gentleman expresses concern about. I hope he agreed with the committee when we increased funding for this purpose by $35 million over 2007. I have to oppose his amendment because of the offset of $15 million for law enforcement costs of offender reentry programs.

These are the programs that go hand in glove with our other law enforcement activities. Recidivism is a terrible problem. These programs establish partnerships with correctional institutions, with community corrections, with social services, with faith-based institutions and with community policing groups. They want to help make our communities safer.

Our Nation's prisons are bursting at the seams. In the Federal prisons alone we have an inmate population that has risen six-fold since 1980; we have 195,000 inmates in Federal prison. The recidivism rate is 40 percent, and in the States it is 67 percent. If we reduce those numbers, we are dramatically not only reducing crime in the country and reducing the recidivism rate in the process, we are doing both at one time. So these statistics being deplorable, we need more resources applied to addressing recidivism. For those reasons, I must oppose the gentleman's amendment.

In light of the fact that we have increased funding significantly for the violent gang and the gun crimes across the country by $35 million and by providing $80 million in this bill, that seems to be a healthy increase for that purpose that the gentleman expressed his concern about.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Ohio.

Mr. CHABOT. I thank the gentleman for yielding.

I want to first of all compliment him for the fact that he also attended an institution which I think is probably one of the best colleges in the country.

Mr. MOLLOHAN. It certainly is.

Mr. CHABOT. We happened to go to the same college, by the way.

As far as the committee report, it says that the committee directs that the remaining $15 million will be available to jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. And we certainly support that.

What we are trying to do is increase that, because we think there should be additional funding because we do believe that gang activity and violence is plaguing a number of communities, including the one that I happen to represent, the city of Cincinnati. And when we looked into the bill, when we called the committee for further clarification about what the other $15 million went toward, we were told that this provision had been inserted in previous Congresses, but that they weren't really sure what, if any, reentry program that they were referring to.

So rather than just let the money sit, I propose to give it to those jurisdictions that are falling victim to violent crime and drug traffickers, particularly those that are committed with firearms. And I don't believe that the $15 million, as I said, that is currently in the bill is sufficient. And since this money was available and wasn't designated, to our knowledge, in any particular program, we thought that it would be appropriate to increase the funding so that we could help more cities better fight against gang activity and violence, and particularly when those are involved with firearms.

Mr. MOLLOHAN. I can assure the gentleman that I am fully in support of his purpose. This is the first time that I have been introduced to his concerns specifically, and I am advised our staff haven't really talked.

I don't know if there is a way that the gentleman feels we can accommodate him.

The Acting CHAIRMAN. The time of the gentleman from West Virginia has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 2 additional minutes.)

Mr. CHABOT. If the gentleman would yield, I would be happy to work with the gentleman in good faith, and perhaps we could work out something that would boost up the money for our cities.

Mr. MOLLOHAN. I just can't believe that we cannot do that, if the gentleman would wish to withdraw his amendment.

Mr. CHABOT. With that understanding, we would be happy to withdraw the amendment and work with the gentleman on that issue.

Mr. MOLLOHAN. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I just wanted to say that it has been interesting to be a spectator between two William & Mary graduates. We are not allowed to make product endorsements on the floor, but it is good to see that the logic will reign, and I will be supporting the Chair's logic.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent to withdraw the amendment, with the understanding we can work together.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. ROGERS of Michigan.

An amendment by Mr. SESSIONS of Texas.

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. SHIMKUS of Illinois.

Amendment No. 22 by Mr. ENGLISH of Pennsylvania.

An amendment by Ms. ZOE LOFGREN of California.

An amendment by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 8, as follows:

[Roll No. 720]

AYES—200

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—228

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Wamp
Young (AK)

□ 1804

Mr. WALSH of New York, Mr. BILBRAY, Mrs. CAPPS, and Messrs. MEEKS of New York, WEINER, and MCNULTY changed their vote from ''aye'' to ''no.''

Messrs. DENT, TERRY, UDALL of Colorado, POE, LATHAM, and Mrs. EMERSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 294, not voting 17, as follows:

[Roll No. 721]

AYES—125

Akin
Bachmann
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Feeney
Flake
Fortuño
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Lamborn
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Bean
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Higgins
Hirono
Hunter
Jones (OH)
LaHood
Larson (CT)
Mahoney (FL)
Marshall
Reynolds
Wamp
Weldon (FL)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 196, not voting 11, as follows:

[Roll No. 722]

AYES—229

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)

DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOES—196

Abercrombie
Ackerman
Aderholt
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth

NOT VOTING—11

Andrews
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Ruppersberger
Wamp
Young (AK)

□ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHIMKUS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 340, noes 87, not voting 9, as follows:

[Roll No. 723]

AYES—340

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Hooley
Hulshof
Inglis (SC)
Inslee
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pallone
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—87

Ackerman
Alexander
Baird
Baldwin
Biggert
Bilbray
Blumenauer
Boucher
Boyd (FL)
Butterfield
Calvert
Capuano
Clay
Culberson
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Ellison
Emanuel
Etheridge
Farr
Frank (MA)
Frelinghuysen
Gonzalez
Grijalva
Hastings (FL)

Hastings (WA)
Hensarling
Higgins
Hinchey
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Kingston
Kucinich
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
McCaul (TX)
McCollum (MN)
McDermott
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sarbanes
Serrano
Simpson
Sires
Solis
Stark
Tierney
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Waters
Waxman
Weldon (FL)
Wexler
Wilson (OH)
Wolf

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Nadler
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded there is 1 minute remaining in this vote.

□ 1818

Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''aye'' to ''no.''

Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BERKLEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 11, as follows:

[Roll No. 724]

AYES—83

Aderholt
Akin
Bachmann
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Boswell
Buyer
Cannon
Capito
Carter
Chabot
Cuellar
Davis (KY)
Davis, David
Dent
Donnelly
Dreier
Emerson
English (PA)
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Granger
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Jordan
King (IA)
Kline (MN)
Kuhl (NY)
Lamborn
Manzullo
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Meeks (NY)
Mica
Murphy, Patrick
Myrick
Nunes
Pearce
Peterson (PA)
Platts
Poe
Price (GA)
Reynolds
Rogers (AL)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (WA)
Space
Tancredo
Tanner
Tiberi
Turner
Walberg
Weller
Wicker
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Hall (TX)
Hunter
LaHood
Marshall
Rangel
Sullivan
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1821

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 388, noes 39, not voting 9, as follows:

[Roll No. 725]

AYES—388

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle

Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—39

Alexander
Baker
Berry
Bonner
Clay
Delahunt
DeLauro
Dicks
Dingell
Ehlers
Everett
Frank (MA)
Frelinghuysen
Gutierrez
Hinchey
Hoekstra
Hoyer
Jackson (IL)
Kennedy
Langevin
Latham
Lynch
McCollum (MN)
McDermott
Melancon
Michaud
Mollohan
Oberstar
Obey
Olver
Pascrell
Rahall
Rothman
Ruppersberger
Sali
Terry
Visclosky
Wilson (SC)
Wynn

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Rangel
Wamp
Young (AK)

□ 1826

Mr. DELAHUNT changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. HASTINGS of Florida, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Sonny Perdue, Governor, State of Georgia, indicating that, according to the official returns of the Special Election held July 17, 2007, the Honorable Paul Broun was elected Representative to Congress for the Tenth Congressional District, State of Georgia.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, GA, July 24, 2007.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, Washington, DC.

DEAR MS. MILLER: This is to advise you that the Honorable Karen Handel, Secretary of State of Georgia, has certified the results of the Special Election held on Tuesday, July 17, 2007, for Representative in Congress from the Tenth Congressional District of Georgia. The results show that Paul C. Broun, Jr. received 23,529 or 50.42 percent of the total number of votes cast for that office. The Certification of Election is enclosed.

I have issued Dr. Broun's commission to serve as the Representative in Congress from Georgia's Tenth Congressional District of Georgia. There appears to be no contest to this election.

Sincerely,

SONNY PERDUE,
Governor.

SWEARING IN OF THE HONORABLE PAUL C. BROUN, OF GEORGIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the Members of the Georgia delegation present themselves in the well.

Mr. BROUN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 110th Congress.

WELCOMING THE HONORABLE PAUL C. BROUN TO THE HOUSE OF REPRESENTATIVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Madam Speaker, as dean of the Georgia delegation, I rise to welcome a new Member to the United States House of Representatives, Dr. PAUL BROUN.

Dr. BROUN is one of four men of medicine in the Georgia delegation. He succeeds our friend and late colleague, Dr. Charlie Norwood, who also was a physician.

Dr. BROUN is a graduate of the University of Georgia in Athens and the Medical College of Georgia in Augusta. He served his country as a United States Marine and as a Medical Officer in the United States Navy. He is married to Niki Bronson BROUN. They have two children and two grandchildren.

Dr. BROUN comes from a well-known political family in Georgia. His father was a well-respected State senator from Athens for 38 years. I could say, I can say, and I must say, he was a Democrat.

Mr. BROUN of Georgia. A conservative one, at that.

Mr. LEWIS of Georgia. On behalf of all of the Members of the delegation, I

want to welcome Dr. PAUL BROUN from the 10th Congressional District of Georgia to the United States House of Representatives.

Madam Speaker, I yield to Congressman JACK KINGSTON, from the First Congressional District of Georgia.

Mr. KINGSTON. Madam Speaker, Members of the House, and my friend JOHN LEWIS, you are correct. His father was my State senator and JOHN BARROW's State senator for 38 years. He was a very well-respected Democrat. We all liked him a lot. But he sure raised his son the right way. We are glad to have him.

We all miss and loved Charlie Norwood. You know, in this House, there are creatures of habit. Of course, any time you want to see Mr. MURTHA and the Pennsylvania delegation, you go to that corner. Any time you want to see Mr. YOUNG and anybody who wants something out of him from Appropriations, all the Florida Members, you go over to that corner. I think, in Charlie's memory, we will all begin to think that the Georgia delegation will be sitting there.

PAUL, we are going to be very happy to have you sitting amongst us.

PAUL, JOHN BARROW and I went to the same junior high school. We are very proud to boast about that. He is an avid fly-fisherman. He is a sportsman. He did volunteer work for Safari-International and worked with many of you, got to know Ron Marlene very well and JO ANN EMERSON, among others, and he is ready to go on any codel to Montana or Wyoming that he gets invited to.

PAUL is going to be a great Member of the House. He is a hard worker. I think you will like him on both sides of the aisle because he will work for what is best for the United States of America.

Mr. LEWIS has already gone over his resume, so I won't repeat it. But I will just say, PAUL, welcome to the greatest body the world has ever seen, the United States House of Representatives.

Mr. BROUN of Georgia. Madam Speaker and colleagues, I am glad to call you colleagues. I am eager to work with you. I am eager to represent the people of the 10th Congressional District of Georgia. It is exciting to me. Just 1 week ago, I was campaigning. Things have been going very quickly ever since then. I am just overwhelmed.

I look forward to working with you and working with this great, august body. I appreciate the opportunity. I appreciate the well wishes and all of the host of welcomes that I have gotten from each and every one of you.

So I appreciate the welcome that you all have given me. I look forward to working with you. Thank you so much. God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Georgia, Mr. PAUL BROUN, the whole number of the House is 433.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

□ 1837

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentlewoman from California (Ms. ZOE LOFGREN) had been disposed of and the bill had been read through page 48, line 3.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to the order of the House of today, this is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 19, noes 389, answered ''present'' 16, not voting 13, as follows:

[Roll No. 726]

AYES—19

Bishop (UT)
Buyer
Cannon
Davis (KY)
Deal (GA)
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
King (IA)
Lamborn
McHenry
Pearce
Pitts
Rogers (AL)
Sali
Sessions
Tancredo
Westmoreland

NOES—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—16

Bachmann
Barrett (SC)
Blackburn
Bonner
Delahunt
Doyle
Green, Gene
Hastings (FL)
Hastings (WA)
Jones (OH)
Kline (MN)
Latham
McCaul (TX)
McCotter
Roybal-Allard
Sensenbrenner

NOT VOTING—13

Broun (GA)
Christensen
Clarke
Cubin
Davis, Jo Ann
DeFazio
Hill
Hunter
LaHood
Marshall
Rangel
Royce
Young (AK)

□ 1844

Mr. HASTINGS of Florida changed his vote from ''no'' to ''present.''

Mr. GINGREY changed his vote from ''present'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $399,900,000, to remain available until expended as follows:

(1) $725,000 for concentration of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $81,175,000 for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $53,000,000 for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $100,000,000 for youth mentoring grants;

(5) $70,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $17,500,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $20,000,000 for the Secure Our Schools Act, as authorized by part AA of the 1968 Act, as amended by section 1169 of Public Law 109–162;

(7) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(8) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act, as amended by section 1166 of Public Law 109–162 and Guam shall be considered a State:

Provided, That not more than ten percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further,* That not more than two percent of each amount may be used for training and technical assistance: *Provided further,* That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the ''Justice Assistance'' account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further,* That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for SENTINEL, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committee on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. (a) Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking ''and'' in paragraph (8);

(2) striking the period in paragraph (9) and inserting ''; and''; and

(3) adding the following new paragraph:

''(10) fines imposed under section 110(l) of title 11, United States Code.''.

(b) Section 110(l)(4)(A) of title 11, United States Code, is amended to read as follows:

''(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.''.

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking all that follows ''whichever occurs first.'' and inserting the following: ''The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements

total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; and $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed''.

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 213. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SESSIONS: Strike section 213.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 213 of this legislation which, as drafted, would have the same anticompetitive effect as language already included in a number of the Democrat majority's other appropriations bills by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs at the Bureau of Prisons or Federal Prison Industries, Incorporated.

While this policy may be good for increasing dues payments to the public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to take competition away from them.

In 2006, Federal agencies ''competed'' only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

This provision, included by the Democrat Appropriations Committee, directly contradicts a number of legislative provisions recently passed on this issue by the House, including: The conference report for the 1997 omnibus appropriations bill, which specifically directed the Bureau of Prisons to undertake a prison privatization demonstration project; also, the National Capital Revitalization and Self-Government Improvement Act of 1997, which directed the Bureau of Prisons to rehabilitate D.C. inmates in private prisons; and since 2001, every Commerce-Justice-State appropriations bill has directed the Bureau of Prisons to contract for prison services.

I think the answer is clear, Mr. Chairman, that when the Democrats claim that these services are ''inherently governmental,'' despite numerous citations in the A–76 circular that these activities are exempt from this definition, and prevent competitive sourcing from taking place, that the Democrat leadership is clearly hearing from labor bosses that this bill represents another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of its tools it can to find taxpayer savings and reduce the cost of services that are being provided by thousands of hardworking companies nationwide.

I urge all of my colleagues to support this commonsense, taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, this provision is simply a provision of fairness. It provides that contracting out of Federal employees in the U.S. Bureau of Prisons cannot be done under these A–76 guidelines and puts a prohibition on that.

Now, we have accommodated in our language in our manager's amendments all of the concerns that we received from private industry. We have accommodated that. And the bill and report language were modified in the full committee's manager's amendment to clarify that the general provision does not impact the Bureau of Prisons' practice of contracting with State, local and private entities to meet needs for existing and new prison capacity.

This language is compromise language. It protects Federal employees, professionals working in the Bureau of Prisons, who obviously have a very sensitive job and position, at the same time it accommodates the concerns of private industry with regard to appropriate contracting out by State and local and private entities.

I urge opposition to the amendment on that basis. The bill is a good, balanced approach and accommodates the Federal employees who risk their lives every day working in correctional situations, but at the same time it accommodates the legitimate concerns of the private sector.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to support the Sessions amendment. I believe in the A–76 process. I do think public and private competition is important. The contracts are important. The A–76 process I do think provides more efficiency and is definitely better for the taxpayers. So I support his amendment quite strongly.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I would like to join the subcommittee chairman in opposition to this amendment.

Members who believe in a balanced and fair competition where the taxpayers get the greatest value for the dollar should oppose this amendment and support the underlying bill. The underlying bill, as the chairman said, is a carefully crafted compromise that permits a rational assessment of the cost and benefits of contracting out, and provides for a fair appeal process where whichever side loses that process would have the opportunity to bring its case to another level and have it reexamined.

So I think that the bill is neither pro-contracting out nor anti-contracting-out. I think the bill strikes a fair balance, and it says in instances where someone decides a contract should be permitted, it happens; and for instances where it should not be, it does not.

I commend the chairman for crafting a fair compromise. I join him in urging defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 56, after line 7, insert the following new section:

SEC. 214. The amounts otherwise provided by this title are revised by reducing the amount made available for ''GENERAL ADMINISTRATION—SALARIES AND EXPENSES'', and increasing the amount made available for ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' (consisting of an additional $6,000,000 for grants to assist children and youth exposed to violence, $6,000,000 for services to advocate for and respond to youth, $1,000,000 for the national tribal sex offender registry, and $1,000,000 for research relating to violence against Indian women, as authorized by sections 41303, 41201, 905(b), and 904, respectively, of the Violence Against Women and Department of Justice Reauthorization Act of 2005), by $14,000,000.

Mr. INSLEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Mr. Chairman, I rise to offer an important amendment that will help continue our work in Congress to break the cycle of domestic violence from which we still suffer. We started that work in the Violence Against Women Act of 2005. We now need to extend it.

I want to recognize the chairman's strong showing of support for efforts against violence in this fashion by $60 million of funding. We appreciate that. But we do have several new programs that the Congress has authorized, has approved, has recognized as a valid effort that have not had an appropriation to date. We aim to fix that with an effort to provide that appropriation.

It would direct the Department of Justice to administer grants to fund four priority new programs for children and Native women in order to break this chain, this multigenerational chain of violence.

The amendment offered by myself and Mr. BURTON would, for the first time, provide Federal funding to local domestic violence programs that provide direct intervention services to children who have witnessed domestic violence in their families. We know how witnessing violence ends up perpetuating violence down the chain of generations. We have to nip this in the bud.

We have to get kids treatment early. We know this amendment will do it. Men who have experienced violence in their families as children are twice as likely to become perpetrators themselves.

□ 1900

This amendment will also, for the first time, fund a competitive grant program for nonprofit organizations to provide community services to teens and young adult victims of domestic violence, sexual assault and stalking. We know girls and young women between age 16 and 24 have the highest rate of intimate partner violence. Teens need to learn at an early age about healthy relationships. This amendment will help that.

My amendment also ensures that we can track crimes against American Indian and Alaska Native women through a national tribal sex offender registry. This is a place where we have been lacking resources in the tribes. One out of every three American Indian and Alaska Native women are victims of sexual assault on reservations.

Currently, every State has a sexual offender registry, but crimes against native women are rarely entered. We need to pass this to fix that problem.

So we know that this epidemic of domestic violence affects every State and community. We know that these VAWA programs can help break the cycle, and we know that we've authorized these programs, but we have not appropriated a dime for them. We have done this with some other new programs in this bill.

We have carefully selected four programs. This has the wide support of groups across the country who have selected these four programs as the highest priorities of those programs that have been authorized but not appropriated.

The Chair's done a good job with limited resources, but we hope that we can extend this effort and these authorized programs to nip and end this circle of violence.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. First of all, I want to thank Mr. INSLEE for introducing this amendment. I'm very proud to cosponsor it with you. It's very needed, and the reason I know it's very needed is because the things you talked about I experienced as a boy. I won't be redundant and go into the things that you have mentioned and the reasons why this program is so necessary.

But I do want you to know that I don't normally support changing money from one area to another like from the Department of Justice to these programs, but this is one of the most urgent needs in America, and it's been like this for the last 50 to 60 years.

I can remember when we went to police headquarters with my mother after we'd been beaten and my father had beaten my mother, and the police sergeant said, If you don't get these kids home, I'm going to have you arrested for child abuse. That's the way it was in those days. There was no place for a woman to hide, and the children had to experience this.

At 4 o'clock in the morning, when you hear your mother being beaten and you come down the stairs and your hair is standing straight up on the back of your head and your father turns and says to you, If you don't get back up the stairs, you're going to get some of this, kids should not have to endure that. They should not ever have to endure that. And the women who are treated like that should never have to endure that as well.

It's a shame that there aren't more people talking about this because this is something that's an urgent, urgent need.

Mr. INSLEE's absolutely right about the chances for a child who's been abused like this to do the same things throughout the rest of their life. I was very fortunate that didn't happen, but I've known a lot of people who experienced that who did, and I think it's a tragic thing.

We really need to find a way to get these women and kids into shelter and away from these abusive parents, fathers and sometimes mothers, and we need to help the women who are abused.

As he just said, in the Native American community, there are women who are being raped and beaten, and there's really no place for them to turn. There's no registry so we can track these guys. That's a horrible thing to have to experience.

So I just want to say to my colleagues, and as I said, I won't be redundant, but I was reading in our information that we use when we discuss these issues, I was reading that between 3.3 million and 10 million children witness domestic violence every year. Can you imagine, up to 10 million kids that witness domestic violence in the home and elsewhere every single year? That's unforgivable. And at one time, in 1 day, one 24-hour period, there were 18,000 children in the United States that received services and support because they were experiencing domestic violence, in one day. That's something, in my opinion, that's inexcusable.

This is a very, very important piece of legislation. I would urge all of my colleagues to vote for this. There should not be one negative vote on this, not one, because there are kids and women who are suffering, sometimes every day. Sometimes the husband will beat the child and they'll turn around to the wife and say, I'll never do that again, and he does it the next week. Sometimes he'll beat his wife and he puts his arms around her, and I've seen this firsthand, he says, Honey, I will never do that again. And the next week she's beaten again, and she sometimes has no place to go and she feels like there's no hope.

It's extremely important that we give these women and these kids hope,

and that's why I say to you, Mr. INSLEE, thank you very much for introducing this amendment. I hope it passes unanimously.

With that, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, and first of all, I want to acknowledge the compelling story of the gentleman from Indiana. That's truly moving. There's no two ways about it, and that's why we have this program, and that's why the subcommittee and the full committee strongly supported funding for VAWA and all of these grant programs, acknowledging at the same time that there are additional grant programs authorized under VAWA that have not received funding. We look forward to working on those, and this one in particular, as we move forward through conference.

But let me suggest to the body that we would love to increase funding for programs like this, the Violence Against Women Act Programs. There's more compelling argument for it, particularly as described.

Let me note, however, for the record that we have increased VAWA funding to $430 million. We rejected the President's proposal to shrink the grant program, actually to eliminate these individual grant programs, and to have a bloc grant program. We have continued to fund the various categories, and we certainly look forward to considering other authorized grant programs that are not currently funded.

We funded, at $430 million, VAWA programs, a $60 million increase over the President's request, and $47 million over the 2007 funding level. That is a sizeable increase to this very worthy program, not that there couldn't be more. So I can't argue for one second to either of my colleagues against adding funding to VAWA.

The real point is that we have significantly increased that funding because we share the concerns of the gentlemen who have spoken here, and I hope that we can all understand and agree with that.

We are again targeting offsets in a general administration account. A $14 million cut to the Department of Justice general administration account will require layoffs. And let me just put this in perspective. We've already had a $30 million cut to this account. We're down from $104 million in Department of Justice general administration to $74 million, and we're looking at another $14 million cut.

At some point, everybody has to appreciate that there has to be some money in these administrative accounts to administer these programs that we all care about, and we have to get real about this process. This is obviously a very strong and passioned expression of support for the programs we've authorized to prevent violence against women, and we're all working in that venue. The committee did it by increasing the funding by $60 million over the President's request, almost $50 million over last year. You're doing it here today by adding another $14 million. And we can't argue with the merit of that sentiment, but we can express concern and try to bring some reality to the offset suggested here.

We are cutting Department of Justice general administration accounts below the level in which they can effectively operate and administer the very programs which we are increasing.

So, reluctantly, I oppose the amendment. At the same time, I do look forward to working with the gentlemen, no matter what the outcome of the amendment, as the process moves forward.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT OFFERED BY MR. LIPINSKI

Mr. LIPINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPINSKI:

Page 56, after line 7, insert the following new section:

SEC. 214. For ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' for the Law Enforcement Tribute Act program, as authorized by section 11001 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273), and the amount otherwise provided by this title for ''GENERAL ADMINISTRATION—SALARIES AND EXPENSES'' is hereby reduced by, $1,000,000.

Mr. LIPINSKI. Mr. Chairman, I rise today to offer an amendment which would provide $1 million in funding for the Law Enforcement Tribute Act Program. This program provides one-time grants to help State and local governments complete permanent tributes that honor law enforcement and public safety officers who have been killed or seriously injured in the line of duty.

There are currently 17,917 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC, including 928 from my home State of Illinois. But many communities also want to honor their law enforcement heroes with local memorials or permanent tributes. The Law Enforcement Tribute Act Program provides support to States and localities to help them do this. Without this support, many communities would not be financially able to provide these worthy tributes.

The Law Enforcement Tribute Act Program was authorized in fiscal year 2002 at $3 million per year, but no funding has been appropriated since 2003.

Last year, this Chamber approved a similar amendment by voice vote when I offered it with Representatives ADAM SCHIFF and TOM DAVIS. Unfortunately, that amendment, like the appropriations bill it was included in, never became law. Today, we have an opportunity to once again approve funding that will help communities honor all of those local heroes who have given so much to protect us.

This amendment has the strong support of law enforcement groups all over the country, including the National Association of Police Organizations.

Mr. Chairman, law enforcement and public safety officers dedicate their career and their lives to protecting us. Tributes provide us with a constant reminder of the sacrifices that they have made. The least we can do is help local communities honor these brave men and women.

I urge my colleagues today to support this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, let me commend the gentleman from Illinois (Mr. LIPINSKI) for bringing this matter before the body again this year.

The point is being made that this particular act is not being funded and it should be. It's extremely meritorious. The sacrifice, and the dedication, the commitment of our law enforcement people throughout the country need to be recognized, and this is the reason we passed the legislation.

As we move this bill forward to conference, I hope that we can work with the gentleman and assure that there is funding on this provision, and we will commit to the gentleman to work with him in that regard.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Illinois.

□ 1915

Mr. LIPINSKI. Mr. Chairman, with that assurance, with the agreement that you will work, and I know that you see the great value in the program, to work in the conference on providing funding for this, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,515,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,696,100,000, of which not less than $278,000,000 shall be for the Hubble Space Telescope, not less than $545,000,000 shall be for the James Webb Space Telescope, not less than $90,000,000 shall be for the Global Precipitation Measurement mission, not less than $625,700,000 shall be for the Mars Exploration Program, and not less than $71,600,000 shall be for the Space Interferometry Mission, to remain available until September 30, 2009.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $700,000,000 to remain available until September 30, 2009.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,923,800,000, to remain available until September 30, 2009: *Provided*, That none of the funds under this heading shall be used for any research, development, or demonstration activities related exclusively to the human exploration of Mars.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education, including personnel and related costs, uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $220,300,000 to remain available until September 30, 2009.

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, I want ask Chairman MOLLOHAN to enter into a colloquy with me for just a minute.

I want to thank the chairman for his efforts on behalf of NASA. As the chairman knows, the Johnson Space Center is the crown jewel of our Nation's space program and resides in my congressional district. The hard work of many bright minds down there has yielded tremendous accomplishments and results over the years.

Of course, it's important to be fiscally responsible. I am glad that the chairman knows it's just as important to continue funding our Nation's top science projects, including NASA.

Mr. MOLLOHAN. I thank the gentleman from Texas for his tireless efforts on behalf of NASA. He has been working, I know, diligently in that vineyard all year long. I know, personally, because he has been contacting me and the committee in order to advance the best interests of NASA, to personally facilitate important meetings between the NASA Administrator, and I know the chairman of our full committee Mr. OBEY, and several of our colleagues throughout the year.

These meetings and my talks with the gentleman from Texas have made it clear how important NASA funding is to the gentleman, significantly contributing to NASA's ability to meet all of its mission commitments.

The gentleman is to be commended for his commitment and his hard work on behalf of NASA and on behalf of NASA's employees. I will continue to work on the House floor and in conference to maintain funding levels as reported out of the subcommittee.

I sincerely appreciate the gentleman's interest and hard work.

Mr. LAMPSON. Well, I appreciate the chairman's kind words on our combined efforts. I am thankful for his hard work and attention to this important matter.

NASA is doing so many important things right now, including our work on the international space station, continued shuttle flights, and our transition to the next-generation crew exploration vehicle, advanced scientific experiments and many other projects, both large and small, that we can't afford to fall behind on these projects, and the various programs, program transitions that NASA is trying to make.

I will continue to work with you and all of our colleagues on the Appropriations Committee to help maintain these funding levels as well.

Mr. MOLLOHAN. As the gentleman knows, our bill funds NASA in excess of the President's request. We intend to work very hard between now and conference and through the signing ceremony to ensure that funding is maintained. The gentleman is a champion for NASA here in the House. I know he is working hard for that part of NASA that's back in his district, and we look forward to his support as we move forward.

Mr. LAMPSON. Thank you for entering into the colloquy. I look forward to working with you.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 59, line 21, insert '', of which not less the $70,700,000 shall be for the Minority University Research and Education Programs,'' after the dollar amount.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of my amendment to the Commerce, Justice, Science and Related Agencies appropriations bill for fiscal year 2008.

My amendment is focused on the education activities at NASA, the National Aeronautics and Space Administration. Specifically, the amendment designates $70.7 million of NASA's $220.3 million for education appropriations for the minority workforce preparation.

This program has been in action before. It was a good program, but because of the cuts that NASA did suffer, it was defunded actually, as they rearranged the funding. I thank the committee for the increase that they did make and commend their recognition of the importance of education funding for NASA.

All of us know that this is the focus of education, now, trying to make sure we have workforce available so that we can maintain the competitive edge.

NASA had proposed to spend about $40 million, or 27 percent, of its education budget on minority university research and education programs, commonly called the Hispanic-Serving Institutions, as well as the Historically Black Institutions.

So the program includes Partnership Awards for Integration of Research, the Space Science Collaboration, the Math Science Teacher and Curriculum Enhancement Program, the Undergraduate Scholars program, Network

Resource and Training Sites, Model Institutes for Excellence and the Earth Science Collaborations program.

I think that since only 2 percent of our Nation's engineers are African American and Hispanic, we really do need to encourage them to be in this part of the workforce. It's critically important to support these Federal programs.

I urge adoption, although I would like to have a colloquy with the chairman.

Mr. MOLLOHAN. I thank the gentlelady. I think this amendment is one more expression of a number one concern about the attention that education is getting in our various science accounts. We have attempted very diligently, pointedly, to address that by increasing funding in education accounts across the bill. This account, the NASA account, first of all, we broke it out as a separate account and then increased it by $66.6 million for a total of $220 million.

The fact that the gentlelady is reaching out to NASA, NASA should be listening. Universities, education, K–12, they want NASA. They realize how important, and the gentlelady realizes how important, NASA is to inspiring youth and also getting resources on programs and funding them. That's the gentlelady's purpose behind this.

I hope that the gentlelady will allow us to work with her to achieve her purposes as this bill moves forward within the funding allocations that we have received. I want her to know that I have heard her interest, and we intend to be responsive to her as we move forward. I commend her for her leadership in this area.

We will be as responsive as possible, and I appreciate the opportunity to do so.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CROSS-AGENCY SUPPORT PROGRAMS

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $356,000,000, to remain available until September 30, 2009.

Ms. SUTTON. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the chairman.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. I really appreciate having this opportunity to talk with you, and I commend your work on putting this very strong legislation together that includes important increases for science and technology programs, as well as law enforcement, among many other things.

But I want to discuss with you just for a moment my concerns for funding and oversight in this bill for the United States Trade Representative. Now, many of my colleagues have been pretty vocal, since the beginning of this Congress, in expressing our concerns with our current trade policy and its harmful effects on our families and communities. A large part of this is what I see as a lack of responsibility by the USTR in promoting exports to other nations and protecting American workers and businesses against unfair trade practices against other nations.

I was going to offer a number of amendments here today dealing with increasing USTR funding, specifically for oversight and enforcement of our trade laws, but I appreciate the increase in funding in the bill for the ITC, but I believe so much more needs to be done. Instead of fixing the many problems we have with our current policies, whether it's our current record trade deficit or the loss of millions of manufacturing jobs, the USTR has, instead, focused efforts on enacting more flawed trade agreements.

It seems as if, instead of working to make our trade agreements better, the administration and the USTR have focused on joining with private interests and using USTR funding to lobby Congress. I believe we must rein this in, what I see as an improper and excessive lobbying by USTR of Congress.

While I was hoping to offer an amendment on that here today as well, I hope that this Congress will take a closer look at their activities in the future. I strongly believe that we have a responsibility to stand up and tell the USTR that they must start working for American businesses and workers, rather than continue current policies that cost jobs here at home and have decimated our manufacturing base.

While I would have hoped that we could have done more on this bill to move USTR in that direction to be more responsive to the responsibility to the American people and to the workers in my district, rather than foreign governments and large corporations, I am happy to be here and am supportive of the bill.

I appreciate the opportunity to share this with you and look forward to working with you in the future.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to commend the gentlelady for bringing this issue to our attention. I want her to know that the House knows she knows something about basic industry in America. She knows something about the challenges of transitioning economies, and she knows something about the importance of USTR trying to protect the very best interests of American citizens and American workers working in all sectors of the economy. From my perspective, I am particularly concerned about those workers in basic industry, in extraction-related industries in America.

A lot of us have concerns about the USTR and the Trade Representative's actual commitment to representing the very best interests of those sectors of our economy. As we transition into an increasingly international economic community, we have to be cognizant of the impacts of a trade policy that is precipitous to the point of creating real chaos and tremendous hardship, particularly in those sectors of the economy that I represent and that I know the gentlelady is particularly sensitive to.

So we need to provide oversight of the USTR as we encourage them to enforce our trade laws and to be aggressive advocates, advocates for our best interests as they approach our trading partners and trade negotiations. They should be looking at issues to balance and level the playing field, such as insisting that trade agreements include environmental laws that we have correctly imposed upon our industry and our manufacturing processes.

Incorporating those regulations into the manufacturing process is expensive. Our competitors around the world, many of them, particularly in the developing countries, don't have those costs. Where we have incorporated health and safety regulations in the workplace, statutorily imposed, that has cost money.

The USTR needs to be sensitive to that. The administration needs to be sensitive to that. It needs to incorporate those kinds of public interest concerns as they negotiate trade agreements.

Why? Why? Because we have done it, and we are their competitors. We are a country with a higher standard of living, and if we can't level the playing field with regard to regulatory activity, then we will never be able to begin to be competitive with our competitors from developing nations.

Let me again compliment the gentlelady for being focused on this very early in her career, being a champion for the working people, and for the best interests of our trade policy generally in all sectors of the economy, and for bringing this to our attention in this bill.

I can assure her that we will be sensitive in large part because of the concerns that she expresses here today. Thank you very much, Ms. SUTTON, for bringing that to our attention.

Mr. Chairman, I yield back the balance of my time.

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Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, a few hundred miles above us the astronauts of Expedition 15 work around the clock on board the international space station. Their efforts have just been boosted by delivery of a huge new power element from the space shuttle *Atlantis* crew. The *Atlantis* astronauts, working with station crew mates, brought the orbiting base ever closer to completion and a whole new era of living and working in space.

The international space station is a remarkable achievement of global cooperation now entering its most critical period. Over the next 3 years, more than a dozen flights of the space shuttles *Atlantis*, *Discovery*, and *Endeavor* will complete assembly that began in 1998. The completed station will be home to a crew of six astronauts and generation-spanning research that will reach into the lives of every American family. Yes, completion and operation of the international space station is that important to America's future.

I am fortunate to represent one of the most enduring and important NASA facilities, the Johnson Space Center in Houston, and have had the honor over my five terms in Congress to work with dedicated and amazing people at the Johnson Space Center. Their passion and commitment to space exploration led me to introduce the Space Exploration Act of 2002. I introduced the Space Exploration Act as a challenge to this country and the leaders in Congress and the White House to offer a vision and concrete goals for the human space flight program after the international space station. Many here on this floor joined me in that call to action, to invest in a space exploration vital for the future of this country.

In 2004, President Bush announced a similar plan, the Vision for Space Exploration. The President's vision outlined a sustained and affordable human and robotic program to explore the solar system and beyond. I fully supported the President in pushing for an expanded mission for NASA. But in the years that have followed, this Nation has seen rhetoric not supported by action. The administration's vision for space and subsequent authorized funding limits have consistently been ignored, and the President's yearly budget does not fund a robust vision for NASA's future. As a result, we now see a widening gap in the period of time between the retirement of the space shuttle in 2010 and the next generation Crew Exploration Vehicle and Crew Launch Vehicle.

This gap will impede access to the station for our astronauts in the years immediately following the shuttle's retirement. During that period, before the new Orion and Ares space vehicles are operational, NASA and America will be totally reliant upon Russia for access to the space station by our astronauts and to carry cargo into space. We will be forced to spend more money than could ever be spent to accelerate arrival of our new space vehicles. This year alone, the administration worsened that gap by making its budget request some $1.4 billion below the congressionally authorized level.

Adding to the strain, millions of dollars have been shifted from the station and shuttle accounts to pay for repairs made necessary by Hurricanes Katrina and Rita which damaged NASA facilities in New Orleans, the Mississippi gulf coast, and Florida.

NASA now faces the stark reality that the timeline for next-generation human space exploration is becoming increasingly hard to meet. We as a Congress must do more to ensure viability of NASA space exploration programs. And I stand here not to criticize the past efforts of the President or previous Congresses, but to call on leaders of both parties to help us meet and even exceed the funding levels required to continue all the important projects in NASA's orbit. As this bill goes to conference, I believe we can find additional resources for NASA to reduce the widening gap between the shuttle and the Orion and Ares programs.

Mr. Chairman, now is not the time to trim our sails into space. I join with the heroes of the space program, past and present, our Nation's industry leaders, and other forward-looking supporters to urge our colleagues to fund NASA fully into the coming years at the amount authorized by Congress. In today's global competition, there is no substitute for keeping America first in outer space.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,691,700,000 to remain available until September 30, 2009.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $34,600,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. This amendment appropriately comes toward the end of the bill, and we have not read to that section yet.

Mrs. BIGGERT. I understood that. I am going to withdraw the amendment and ask unanimous consent to present it at this time.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) Of the amounts made available for ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' for the Edward Byrne Memorial Justice Assistance Grant program, $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

(b) Of the amounts made available for ''JUSTICE ASSISTANCE'', $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

Mrs. BIGGERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mrs. BIGGERT. I thank Chairman MOLLOHAN for all of his work on this bill, and I appreciate your commitment to all the missing children's programs. It is very important. And I know that you are equally disturbed by the prevalence of Internet crimes against our children. And the numbers certainly don't lie.

According to the National Center for Missing and Exploited Children's CyberTip Line, the number of reports relating to the online enticement of children for sexual acts increased by 139 percent between 2005 and 2006. Over the same period, there was a 194 percent increase in the number of reports related to unsolicited obscene material sent to a child on the Internet.

Certainly more can and must be done. And this problem is not regional; it is not isolated to big cities or rural

communities. This is a real national problem that will not go away unless we can expand our capabilities of our law enforcement, which is exactly what my amendment will do by increasing the funding for the Internet Crime Against Children Task Force.

The Internet Crime Against Children Task Force, or ICAC, plays a very critical role in protecting our children on the Internet. The ICAC Task Force's mission is clear: to help State and local government enforcement agencies develop an effective response to cyber-enticement and child pornography cases. This help involves forensic and investigative support training and technical assistance, victims services, and community education.

The amendment would carve out $15 million out of the Justice Assistance account's Missing Children Program for the Internet Crime Against Children Task Force. It would also carve out $15 million out of the Edward Byrne Memorial Justice Assistance Grant program for the ICAC Task Force. Both accounts were used in fiscal year 2007 to fund the Internet Crime Against Children Task Force at $26 million.

And I certainly understand the problems that having to do with this amendment, so I am certainly willing to withdraw my amendment if the chairman and ranking member are willing to work toward an increase in funding for the Internet Crime Against Children Task Force in conference.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

The gentlelady is really at the forefront of this issue. She is co-chair of the 131 Member strong Congressional Missing and Exploited Children Caucus. She is to be commended for that. She has worked with me, she has worked with Mr. FRELINGHUYSEN, she has worked with the committee. To some extent she can declare success because she is tenacious in getting additional funding for Missing Children's programs. She has been successful in increasing funding 100 percent, you could argue, since the President asked for no funding here.

But we would like to point out that in response to her and the caucus's expressions of concern to the committee, we have funded the Missing Children's program account to the tune of $61.4 million, which is $14 million above the 2007 enacted funding level. That is in large part because of her efforts, and we do appreciate it. She should declare success, and she should be proud of that. She is, as I say, tenacious. And speaking for myself, and Mr. FRELINGHUYSEN who I know shares this interest, we look forward to working with her as we move forward. She is representing this caucus here today, and we look forward to trying to even increase this amount of money as we go to conference.

I want to thank her for her efforts and for helping the committee as we have marked up our bill and funded this account.

Mrs. BIGGERT. Reclaiming my time, I would thank the gentleman for his kind words. And I bring this up to just enforce the importance of missing children, the caucus and the task force, tonight, because every problem is increasing so much, as I said earlier. The problems that we used to have, we are seeing many more problems with the use of the Internet, with just what is happening to children in this day and age. And the more that we can do to prevent online enticement, to prevent children being sexually assaulted, all of the tragedies that are happening right now. So I appreciate that.

Mr. MOLLOHAN. The gentlelady makes her point. And out of the Office of Justice programs, we funded the Missing Children account higher than any other programs. So she can take credit for a great success, and we appreciate her help.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the duration of availability of funds appropriated for ''Science'', ''Aeronautics'', ''Exploration'', ''Cross-Agency Support Programs'', or ''Space Operations'' under this title, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings ''Science'', ''Aeronautics'', ''Exploration'', ''Education'', ''Cross-Agency Support Programs'', and ''Space Operations'' for the National Aeronautics and Space Administration shall be governed by the terms and conditions specified in the report accompanying this Act.

The unexpired balances of prior appropriations to the National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new accounts established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established accounts and thereafter may be accounted for as one fund under the same terms and conditions.

Not to exceed five percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2008.

The Administrator of the National Aeronautics and Space Administration shall prepare a strategy for minimizing job losses when the National Aeronautics and Space Administration transitions from the Space Shuttle to a successor human-rated space transport vehicle. This strategy shall include: (1) specific initiatives that the National Aeronautics and Space Administration has undertaken, or plans to undertake, to maximize the utilization of existing civil service and contractor workforces at each of the affected Centers; (2) efforts to equitably distribute tasks and workload between the Centers to mitigate the brunt of job losses being borne by only certain Centers; (3) new workload, tasks, initiatives, and missions being secured for the affected Centers; and (4) overall projections of future civil service and contractor workforce levels at the affected Centers. The Administrator shall transmit this strategy to Congress not later than 90 days after the date of enactment of this Act. The Administrator shall update and transmit to Congress this strategy not less than every six months thereafter until the successor human-rated space transport vehicle is fully operational.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), and Public Law 86–209, relating to the National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,139,690,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including authorized travel, $244,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $822,600,000, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $285,590,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880–1881), $4,030,000, to remain available until September 30, 2009: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $12,350,000, to remain available until September 30, 2009.

TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $28,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $332,748,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That no funds made available under this heading may be used to outsource operations of the National Contact Center.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $377,000,000, of which $355,134,000 is for basic field programs and required independent audits; $3,041,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,825,000 is for management and administration; $4,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501 through 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses of the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c), $2,500,000, to remain available until expended.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $48,407,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations of the United States at the World Trade Organization shall be conducted consistent with the trade negotiating objectives of the United States contained in section 2102 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3802).

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.), $4,640,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by ten percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of section 922(t) of title 18, United States Code; and

(2) any system to implement section 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2008 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

Page 75, line 24, strike ''$625,000,000'' and insert ''$635,000,000''.

Page 76, line 2, insert '', and the amount otherwise provided under this Act for Department of Commerce, Departmental Management, Salaries and Expenses is reduced by $10,000,000'' after ''(42 U.S.C. 10601)''.

Mr. POE. Mr. Chairman, I want to talk briefly on the Poe-Costa-Moore amendment. As stated in the amendment, this is a bipartisan amendment. And I want to thank the gentleman from California and the gentleman from Kansas for their support for crime victims under this amendment and the VOCA fund.

The VOCA fund was established under the Reagan administration. It's a novel concept where criminals who are convicted of crime pay fees into a fund that goes to victims of crime. It's kind of like criminals pay the rent on the courthouse, as they should. And so this fund has been established to supply victims and victims services throughout the country necessary funds for those victims and those projects.

At this present time, the fund is up to $1.3 billion. But this year the fund is capped at $625 million for victims services and victims throughout the United States.

This amendment is asking that 10 million more dollars be applied to this fund because of two reasons: Unfortunately, there are more crime victims in the United States than there ever have been. And also, by necessity, there are more programs that are victims services than ever have been in the United States.

Over 4,400 different programs and agencies receive funding under the VOCA fund. Over 3 million victims receive funds from this fund every year. And this covers the gamut, from sexual assault victims to child victims, to robbery victims and victims and families of homicide.

These funds are needed for these families. But they're also needed for domestic violence shelters. They're needed for child assessment centers. Those are centers throughout the United States that take sexually exploited children and help them through the process; not only the medical process, not only the psychological process, but the criminal justice system as well.

There are 26 organizations that support an additional $10 million for this crime victims fund, because it is necessary to help victims throughout the United States. So under this amendment, we're asking for 10 million additional dollars taken from human resources that would be applied to crime victims organizations throughout the United States and money for crime victims. This money, as I stated, is necessary. Unfortunately, it is necessary to help victims.

As chairman of the Crime Victims Caucus, and my cochair Mr. COSTA, and other Members like Mr. MOORE from Kansas, we all support this additional funding for crime victims. Take it and place it where it is necessary.

It is a novel concept to allow people who violate the law to contribute to a constant fund, and we want that to continue, but this year there needs to be 10 million additional dollars contributed to that fund so that numerous organizations that provide specifically victims services that funding has been cut in the past will be allowed to continue those victims services in the United States.

LIST OF ORGANIZATIONS WHO SUPPORT THE POE-COSTA-MOORE AMENDMENT

American Probation and Parole Association; American Society of Victimology; Break the Cycle; Jewish Women International; Justice Solutions; Legal Momentum; Mothers Against Drunk Driving; National Alliance to End Sexual Violence; National Association of Crime Victim Compensation Boards; National Association of VOCA Assistance Administrators; National Center for Victims of Crime; National Children's Alliance; and National Coalition Against Domestic Violence.

National Congress of American Indians; National Criminal Justice Association; National Grange; National Judicial College; National Network to End Domestic Violence; National Organization for Victim Assistance; National Organization of Parents of Murdered Children, Inc.; Pennsylvania Coalition Against Rape; Rape Abuse & Incest National Network; Sacred Circle, National Resource Center to End Violence Against Native Women; Security On Campus, Inc.; Stop Family Violence; and YWCA USA.

Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I oppose the amendment, again, not because of the intended purpose of the gentleman trying to do good here and getting additional resources into the crime victims fund. That's worthy.

It's being authorized at $625 million, this amendment would raise it to $635 million. And you might ask, if there are additional resources, why don't we disperse all of them?

Well, that's because that fund has to be managed to ensure that there's a source of funds that will remain available for the program despite the inconsistent levels of the criminal fees that are deposited there annually. So part of that is trying to manage the account to assure stability year in and year out so that funds will be available for victims to be paid out according to the authority.

I would like to point out that the gentleman's offset draws from an account that has been drawn from in the past, and it is the offset is in Commerce. We started out at $58.6 million at the beginning of the day. We've had a $25 million cut, a $10 million cut. This cut would take us down to $23 million, if my math is right. But if my math is not precisely right, my point should be taken that we've gone from $58.6 million down to approximately $23 million in this S&E account. That's a 60 percent reduction. There is going to be nobody left to administer these programs. And that's why we have to think very carefully.

And actually, folks coming here and offering amendments go through the same difficult exercise that the subcommittee and the full committee have gone through. How do you apportion funds when I would argue, the allocation is not adequate to fund all the worthy projects and to fund all of the people who need to administer the worthy projects in this bill?

A 60 percent cut the gentleman's amendment would effect in this S&E account, it simply cannot stand. So for that reason, I must oppose the gentleman's amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because I believe we

should respect state authority in regards to medical marijuana.

Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, AIDS, glaucoma, spastic disorders, and other devastating diseases.

The people that I represent from Marin and Sonoma counties have made it clear that they want doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases, and I believe that the Federal Government must not stand in the way.

I support this amendment because it would stop the Justice Department from punishing those who are abiding by their state's law. Please join me in supporting this important amendment so that those who suffer from debilitating diseases can continue to get relief without the fear of federal interference.

The Federal Government should get its priorities straight—and stop going after fully licensed physicians and their patients instead of the real criminals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 519. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 520. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to section 38(b)(1) of the Arms Control Export Act (22 U.S.C. 2778(b)(1)(B)) and qualified pursuant to 27 C.F.R. 478.112 or 478.113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 521. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 522. Section 313(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f(a)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; and the laws amended by these Acts.

SEC. 524. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

SEC. 525. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2007'' and inserting ''2009''.

SEC. 526. Section 605 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended—

(1) in the matter preceding paragraph (1) by striking ''$25,500,000 for fiscal year 2008'' and inserting ''$30,000,000 for each of fiscal years 2008 through 2010'';

(2) in each of paragraphs (1), (2), (3), (4), and (6) by striking ''2008'' and inserting ''2010''; and

(3) in paragraph (5) by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2010''.

SEC. 527. Effective January 13, 2007, section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) is amended—

(1) by striking ''association'' in subsection (c)(4)(A)(iii) and inserting ''association, among willing parties'';

(2) by striking paragraph (2) of subsection (i);

(3) by striking ''(1) IN GENERAL.—'' in subsection (i) and resetting paragraph (1) as a full measure paragraph following ''(i) TRANSITION RULES.—''; and

(4) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(1) (before its amendment by paragraph (3)) as paragraphs (1), (2), and (3), respectively and resetting them as indented paragraphs 2 ems from the left margin.

SEC. 528. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REICHERT:

Page 83, after line 6, insert the following new section:

SEC. 529. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES'', and by increasing the amount made available for ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' for the court training and improvements program authorized by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), by $5,000,000.

□ 2000

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. REICHERT. Mr. Chairman, as a former sheriff of King County in Seattle, Washington, and a member of the Congressional Victims' Rights Caucus, I am proud to offer this amendment along with my colleague from Connecticut, Congressman MURPHY, to provide $5 million to fully fund the Court Training and Improvements Program, offset from the Department of Commerce departmental management salaries and expenses account.

The Court Training and Improvements Program enhances our courts' ability to keep victims of domestic and sexual abuse safe and to hold offenders accountable. It was authorized early last year as a part of the Violence Against Women Act but has not yet been funded. Mr. Chairman, this program must be funded.

I spent 33 years of my life working in law enforcement, and during that time I walked into many unpredictable domestic violence situations. Responding to a domestic violence call is one of the most dangerous calls a police officer can go to. Domestic violence cases have their own unique challenges, and we in law enforcement have had to learn specific strategies for how to deal with those situations. People are physically and mentally harmed and homes are torn apart. I have seen how domestic and sexual abuse not only affects spouses but the children, the families, and the lives of the entire community. Safe homes and families are the root of a safe society.

Statistics show that every year almost 1 million incidents of violence occur against current and former spouses, boyfriends, girl friends, and each year nearly 10 million children are exposed to domestic violence. We need to implement and fund every tool at our disposal to combat this terrible problem.

One of the key ways to reduce the impact of domestic violence is to ensure that our justice system has the tools to deal with these cases. Too often lives hang in the balance as judges and court personnel make decisions without an understanding of the dynamics of abuse and violence in relationships. Judges themselves have repeatedly cited a need and a desire for specialized knowledge and judicial education regarding sex offenders and victims.

The desperate need for trained judges and court personnel was recently brought to light in the tragic case of Yvette Cade. On the morning of October 10, 2005, Yvette was doused with gasoline and set on fire by her estranged husband while at work here in the suburbs of Washington, D.C. At the time of the attack, she had a protection order out against him, but a judge had dismissed her protection order 3 weeks before, saying she didn't need it. This judge had likened victims of domestic violence to buses that come along all the time. Cade's husband was recently sent to prison for attempted murder.

Better-trained judges are essential if we are to keep victims and children alive and hold abusers and rapists accountable for their behavior. I urge my colleagues to support this amendment to improve our courts, protect the victims of domestic violence and sexual abuse, prevent future crimes, and ensure that perpetrators are appropriately punished.

Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, I rise in support of the amendment. First I would like to thank Chairman MOLLOHAN.

This bill is a vast improvement on previous efforts to fund domestic violence efforts. It goes a very long way. And we rise today with my colleague Mr. REICHERT to simply ask that we fund yet one more important program that has been authorized.

As a child, Mr. Chairman, I remember sitting at home with a baby-sitter while my mother went off to volunteer in a domestic violence shelter, and that memory still stays with me today. Victims of domestic violence require and are entitled to special assistance when dealing with their trauma. However, judges and court personnel need specialized training to deal with these victims in a way that both preserves justice and addresses the severe trauma associated with these crimes.

Some States have already put programs in place to deal with the special needs of these domestic violence victims. My home State of Connecticut is amongst those that has been pioneering these types of programs. In the biggest city in my district, Waterbury, we have a program through which law enforcement personnel, prosecutors, family services organizations, probation officers, and domestic violence advocates all review cases together in an effort to reveal more information about the perpetrator to ensure that victims are protected from further abuse. What makes the Waterbury operation so outstanding is the vertical case management model that should serve as an example to the rest of the country, a model that could be funded under the proposed appropriation in this amendment.

Congressman REICHERT and I are offering this amendment today so that States can have a partner in the Federal Government. Our amendment will fund the Court Improvements Program to train judges and court personnel to better identify and resolve the complex issues involved in domestic violence cases.

Congress has a responsibility to recognize the unique and horrific nature of domestic violence crimes, and we have done that in the underlying appropriation bill today with a new investment in domestic violence programs. Our amendment today simply seeks to fund yet one more innovative program to make sure that courts, prosecutors, domestic violence advocates, and the victims themselves all have the resources necessary to navigate what can be sometimes a very complex system.

I urge adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. MOLLOHAN. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order and is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

If I might, for the Department of Commerce here, the S&E account is now down to $18 million if the last two amendments are adopted and you add it to the offsets that were affected by the amendments that have already passed. The Department of Commerce S&E account, they are just going to have to shut down their office again. I would just encourage Members, when they offer these amendments, to get serious about the offsets. And, my goodness, I don't know what would have happened to President Bush's budget if we had not increased it, because his S&E account would have been really decimated in increasing the Violence Against Women account. We increased VAWA by $60 million over the President's request, $47 million over 2007.

I understand that our colleagues who are offering these amendments are absolutely in the forefront of protecting women. As we oppose these amendments, at the same time we embrace your cause and that that is why we have worked so hard in effecting these funding increases above the President's request. If we had a larger allocation, we would put more money on these accounts.

Having said all that, and because the offset is so draconian to the Department of Commerce, I will continue to oppose amendments with these negative offsets. If we aren't able to restore

the salaries and administrative accounts to the extent these amendments are successful, the Department of Commerce would have to shut down. That is how, as I have used the word before, cavalier we are being about these offsets.

Mr. Chairman, while I certainly support the cause and the purposes of the programs these amendments are increasing funding for, I have to oppose them because of the offsets and because we don't have enough resources to go around, a point which is demonstrated by the offsets that these amendments are having to resort to.

I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VI—RESCISSIONS

DEPARTMENT OF COMMERCE

(RESCISSION)

Of the unobligated balances available to the Department of Commerce from prior year appropriations, $41,848,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Secretary of Commerce shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

DEPARTMENT OF JUSTICE

(RESCISSION)

Of the unobligated balances available to the Department of Justice from prior year appropriations, $86,000,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available from prior year appropriations under this heading, $135,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated recoveries from prior year appropriations available under this heading, $87,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSIONS)

Of the unobligated recoveries from prior year appropriations available under this heading for purposes other than program management and administration, $87,500,000 are rescinded.

Of the unobligated funds previously appropriated from the Violent Crime Reduction Trust Fund under this heading, $10,278,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(RESCISSION)

Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations, $69,832,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Administrator shall submit to the Committees on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

NATIONAL SCIENCE FOUNDATION

(RESCISSION)

Of the unobligated balances available to the National Science Foundation from prior year appropriations, $24,000,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Director shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMPSON:

Page 85, after line 24, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for business-class or first-class airline travel by employees of the Department of Commerce in contravention of sections 301-10.122 through 301.10-124 of title 41, Code of Federal Regulations.

Mr. LAMPSON. Mr. Chairman, as we consider today's appropriations bill, we are all mindful of how harmful wasteful government spending is to hard-working American families. In fact, just this morning I was joined by the majority leader and some of my Blue Dog Coalition colleagues to highlight many of the smart, fiscally responsible initiatives our new majority is pursuing in Congress this year. American citizens expect the Congress to be good stewards of taxpayer dollars, and when we allow deceptive fiscal practices to continue in our government, we set a bad example for our Nation and create a reckless blueprint for future spending.

That is why I have introduced this amendment to today's bill, which will clarify guidelines for premium travel by Department of Commerce employees. The Department's Inspector General March 2007 report showed that these guidelines are not being followed or controlled properly. In fact, the report has a specific section entitled ''The Department Needs to Tighten Controls, Update Guidance for Premium-Class Travel,'' and includes very glaring findings, notably numerous instances in which the Department failed to authorize or approve properly premium-class travel. The report concludes that the two primary reasons for these oversights are outdated policy and poorly implemented internal controls.

Thankfully, Mr. Chairman, there is a simple solution here that can save the taxpayers their hard-earned dollars and continue good government practices, and it is embodied in my amendment. This amendment offers a direct method of guidance by referencing the Code of Federal Regulations 301–10.122 to 10.124 to withhold funds for such premium travel for Department of Commerce employees. A similar amendment applying to Department of State employees was passed by voice vote last year when the House considered the Commerce-Justice-State appropriations bill.

As we continue to tackle large instances of taxpayer dollar waste and abuse, let's not overlook the small steps that we can take that will help lead the way for good government practices.

I thank my colleagues for their attention to this quick and simple way to practice better fiscal responsibility. I ask for support for my amendment.

Mr. Chairman, I yield back the balance of my time.

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Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment.

I yield to the ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, we have no objection to the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOSWELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the ''DEPARTMENT OF JUSTICE—General Administration—salaries and expenses'', by increasing the amount made available for ''DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services'', and by increasing the amount made available for paragraph (5) of the last proviso under the heading ''DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services'' by ''$1,000,000'', ''$1,000,000'', and ''$1,000,000'', respectively.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order.

Mr. BOSWELL. Mr. Chairman, I've just conferred with the Chair of the subcommittee, and he has asked me to offer it and withdraw it, and we will work on it before we go to conference. So out of my respect for him and the ranking member, of course I will do that.

I would just like to say this: In the last 2 years, we have done a little bit more than this for this good cause, and it's something that's helping law enforcement out across the country. And it's not big bucks, it's pretty small. But then again, you've got to work with where you're at. But it does increase law enforcement agencies' access to records on persons who pose a risk to local communities. I can assure you that the law enforcement agencies need this access, as we think about the things that happen to our children and older folks and so on, to be able to access that good information.

So with my appreciation, Mr. Chairman, I will ask unanimous consent to withdraw, with looking forward to working on this at a later point.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. BOSWELL. I will yield to the gentleman.

Mr. MOLLOHAN. The committee has heard the gentleman. In years past the gentleman has been very concerned. He has asked for increases to the Criminal Records Upgrade Program grants, and the committee has been very receptive to that. Indeed, the committee this year has increased funding for this program by $2.1 million over 2007, which in part was an effort to be responsive to the gentleman's consistently expressed concerns about this, and genuine concerns, about this account.

If the gentleman has looked at this carefully, we respect his expertise in this area, and we would be interested in visiting with him as we move this to conference and understanding more clearly the justification for an additional increase.

And because of who the gentleman is, I have no doubt that his reasons are valid. And so we look forward to working with him to find a better offset and to be responsive to his needs, if at all possible, as we move to and through conference.

Mr. BOSWELL. Well, I know your sincerity, and I know the ranking member's sincerity in this area. You have worked very hard on it. And I accept that, with appreciation.

Mr. MOLLOHAN. Well, I just want to emphasize that in response to your efforts, we've increased it this year above last year, so we've already been successful.

Mr. BOSWELL. We will have some interesting discussion, and I look forward to it. Thank you for letting me have this moment.

I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

Mr. GINGREY. Mr. Chairman, the Bureau of Alcohol, Tobacco, Firearms and Explosives, BATFE, has been in operation without substantial changes since the days of prohibition, bootlegging and gang violence in the 1920s and 1930s.

Last year the House Judiciary Committee considered legislation that would have introduced real reform to BATFE, updating the agency for the 21st century, although time ran out before Congress could get anything accomplished.

One issue of reform I remain particularly concerned about is how BATFE actually tests firearms submitted by law-abiding firearm designers and manufacturers seeking approval to put their product on the market.

Mr. Chairman, without written and uniform standards, gun manufacturers are left guessing about which agent will inspect the firearm this week, whether or not they will be able to ship a product out to potential customers, and whether or not BATFE agents might even prosecute someone because of a shipping mistake or a firearm malfunction. So I have introduced legislation called the Fairness in Firearms Testing Act to address this problem, and it requires BATFE, the Bureau of Alcohol, Tobacco, Firearms and Explosives, to actually videotape firearms tests for the purpose of general oversight, and encourage the agency to adopt these testing standards. However, the amendment I'm offering today would cut right to the point by withholding funds to BATFE if they do not write and publish these testing standards.

More specifically, this amendment creates a level playing field for all United States firearm manufacturers who depend on getting a firearm patented and on the market as soon as possible.

Mr. Chairman, without written procedures, BATFE has literally a free rein to mistreat manufacturers, change their mind after the fact, and leave both manufacturers and customers at a legal and financial disadvantage. In fact, BATFE regulations are so inconsistent that some manufacturers have been threatened with prosecution after receiving written approval for their products from other BATFE personnel.

Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. Let me repeat that, Mr. Chairman. Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. There are only 373 licensed firearm inventors and manufacturers left in America. Moreover, with the increase in number of imported firearms purchased by civilians and law enforcement alike, our Nation is at a strategic defensive disadvantage.

Mr. Chairman, I realize that the chairman has reserved a point of order, and he will explain that, I'm sure, momentarily, but it's my understanding that if I do agree to withdraw this amendment, that the chairman and the committee will work with me to help bring reforms to the BATFE, including these written standards, to help United States firearm manufacturers. I would be happy to yield to the chairman and to engage in a colloquy with him regarding that. Otherwise, in the absence of an agreement, then certainly I want to go forward with my amendment.

Mr. Chairman, I yield to the chairman.

Mr. MOLLOHAN. We would, at that point, talk about the point of order a little more.

We want to be responsive to the gentleman. I have not gotten deeply into his concerns, so I'm not sure exactly where he's coming from on this. But I can commit to him that we're willing to talk about it, we're willing to understand more clearly what his concerns are and in good faith work with him. And if there is an accommodation, we certainly want to make it in good faith. But I certainly cannot telegraph or represent to the gentleman an outcome; I can only promise him the process to work with him in good faith on this issue.

Mr. GINGREY. Reclaiming my time, Mr. Chairman, I understand exactly what the chairman is saying. I'm not necessarily expecting any hard and fast promises on his behalf.

And I didn't mean, Mr. Chairman, for the amendment to catch the distinguished chairman of the Appropriations Committee by surprise in any way, not to be blind-sided or coming up at the last minute. We've had the amendment, we filed the amendment. In fact, I had, Mr. Chairman, introduced legislation pertaining specifically to this effect last year in the 109th Congress, so this amendment basically is a follow-up to that legislation.

I want to thank the gentleman from West Virginia, the distinguished chairman. I appreciate your spirit of cooperation. And I know there are some concerns about the amendment, I appreciate that. But I welcome your support on this matter, and I look forward

to working with you. Let's discuss it and make sure you understand exactly where I'm coming from in regard to the amendment. I think it makes a lot of sense, and I hope I can convince you of the same.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SALI

Mr. SALI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SALI:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', $2,000,000 shall be available to provide grants to develop, expand, and strengthen victim service programs for victims of trafficking, as authorized by section 107(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)).

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mr. SALI. Mr. Chairman, our great country was founded on the recognition of the most basic rights of mankind, that all persons are created equal and endowed by their Creator, with the rights of life, liberty and the pursuit of happiness. Yet for decades this conviction wasn't perfectly realized because of the blight of slavery, which we fought a civil war to end.

Tragically, this is not just a long-past episode in human history. Human trafficking, frequently referred to as modern-day slavery, is an ugly reality not only in the developing world, but also in the United States. Our country is the destination of thousands of people trafficked for purposes of sexual and labor exploitation.

Between October 2000 and March 2007, the U.S. Department of Health and Human Services had certified nearly 1,200 victims of human trafficking. As Americans, we must defend the dignity of human life.

With my amendment, I propose to designate $2 million of the monies appropriated in this bill for the formation of a task force to combat this barbaric trade coming across our borders in the States of Washington, Idaho and Montana. This task force would join 42 other such task forces nationwide in serving as a cooperative effort between State and local governments, NGOs and compassionate citizens all working together.

The northern border of our country is a point of entry for this horrific practice. In 2004, it was estimated there were between 1,500 and 22,000 people trafficked through Canada to the United States, numbers that some observers believe significantly understate the problem.

Currently, however, there are no human trafficking task forces along most of the northern borders of Washington, Idaho and Montana, yet these same States cover more than half of the northern land border of the United States, hundreds of miles of which are extremely rural and rugged, being patrolled only by officers on horseback or even on foot, if patrolled at all. Given the rural nature of these northern borders, opportunities for human trafficking continue, with few resources available to the many rural communities along the same border.

By my amendment, I seek to make $2 million in the DOJ budget available in grant funds to establish the Tristate Task force to provide training and resources to rural communities in Washington, Idaho and Montana to combat human trafficking. This important task force will work to coordinate local efforts to combat modern-day slavery.

This measure goes to the heart of equality, dignity and worth of every person. I ask my colleagues to join me today in the defense of these essential American values and support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I continue to reserve my point of order.

The gentleman raises an interesting concern. We have just been handed this amendment. We would be pleased to work with the gentleman as we move forward.

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In response to his withdrawing the amendment, we are going to have to insist on our point of order if we don't proceed in that fashion. I hope the gentleman will allow us to work with him.

Mr. SALI. Mr. Chairman, if the gentleman will yield, I would agree to work with the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Mr. HINCHEY. Mr. Chairman, I am introducing an amendment that is designed to protect States' rights and to provide people across our country in these 12 States that have passed laws authorizing the use of marijuana for medicinal purposes to have access to that medical use.

It is a very simple, very serious proposal. The Constitution of the United States is very clear. It authorizes States' rights in every other area that is not specifically designated to the Federal Government. One of those main areas is health care. The States have the authority to take care of their own people and to make sure that they have access to the best possible health care.

The amendment is supported by a number of other important organizations across the country, in addition to organizations in those 12 States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington that have passed laws authorizing the medicinal use of this product. Two of those States have passed it through their legislatures. The other 10 have passed it by means of referendum. In other words, the people themselves have passed this in referendum.

This is an amendment that really should be adopted. It doesn't do anything to stimulate any violations of the law. It just says those States ought to be able to determine how to take care of their own people. There are a variety of ways in which that can be done to make sure that they get proper attention.

I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me thank the gentleman from New York for yielding and also for his leadership and for continuing to beat the drum on this very, very important issue.

Mr. Chairman, this amendment is about allowing State governments to provide relief for a small, very important group of people who are suffering from chronic pain or terminal illness. This amendment does not encourage or make legal the recreational use of marijuana. Eleven States, including my home State of California, have legalized medical marijuana, with clear guidelines for doctors' approval before usage.

For example, a constituent from Oakland, Angel Raich, has been diagnosed with more than 10 serious medical conditions, including an inoperable brain tumor. Ms. Raich and others who use medical marijuana are simply trying to relieve their crushing pain while following the guidelines and laws that their doctors and the States have already established. Taxpayer dollars shouldn't be spent on sending seriously or terminally ill patients to jail. Their doctors, not Congress, should decide which drugs will work best.

Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment and ensure that patients' rights are upheld. This is the right thing to do. This is the compassionate thing to do. This is about health care.

Mr. Chairman, I want to thank the gentleman from New York again for once again offering this amendment.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I want to make it clear that there are many dozens of organizations that are focused on health care and constitutional rights across the country; not just in those 12 States, but in a lot of other places, as well, who have endorsed this idea and support this amendment.

They include the American Nurses Association, the American Public Health Association, and the Leukemia and Lymphoma Society. Medical societies all across this country have endorsed this amendment because they know it is in the best interests of people suffering from diseases such as AIDS, cancer, glaucoma and others that can be relieved of pain and suffering and be of assistance in recovering from the debilitating aspects of these diseases.

It simply makes good common sense for us to authorize this amendment. I hope that the majority of the Members in this House of Representatives will now take this opportunity to support good health care for Americans and also support this basic provision of the Constitution.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, not only does this amendment hurt law enforcement's efforts to combat drug trafficking, but it sends the wrong message. Marijuana is the most widely abused drug in the United States. According to the Drug Enforcement Agency, which is under the jurisdiction of our committee, more young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs combined.

This amendment does not address the problem of marijuana abuse and possibly makes it worse by sending the message to young people that there can be health benefits from smoking marijuana.

Our committee received a letter last week from John Walters, director of the Office of National Drug Control Policy opposing the gentleman's amendment. He warns of the potential public health impacts of encouraging the unfounded belief that smoking marijuana is a safe and effective medicine, contrary to prevailing expert opinion.

Last year, our own FDA stated: ''Smoked cannabis has no acceptable medical use in treatment in the United States,'' and that no animal or human data supported the safety or efficacy of marijuana for general medical use. Furthermore, the FDA has not approved smoked marijuana for any condition or disease indication.

Mr. Chairman, I urge rejection of the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York have 3 additional minutes.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 3 additional minutes.

There was no objection.

Mr. HINCHEY. Mr. Chairman, I just want to point out that the people who are opposed to this amendment, including the gentleman who just spoke, apparently do not understand what we are doing here.

This amendment does not affect States, other than those that have passed laws with respect to medical marijuana, only those 12 States. This amendment would not require or encourage other States to adopt medical marijuana laws. This amendment would not stop law enforcement officials from prosecuting the illegal use of marijuana. This amendment does not encourage drug use in children. Teen use of marijuana has declined in States that have passed medical marijuana laws, and in some of those States it has declined dramatically.

The purpose of this amendment is to allow these States to give relief to people suffering from horrific diseases without fearing Federal intervention or prosecution. At stake in this debate is who should be deciding what is best for patients: Should it be the patients themselves, the doctors, or should it be arbitrarily somebody in the Federal Government?

Support this amendment and support States' rights and compassion. Doctors in these 12 States know what is best for their patients. The Federal Government should not stand in their way.

I yield the remainder of my time to the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I had a dear friend named Oral James Mitchell, Jr. Oral James Mitchell, Jr., was a Navy SEAL. He fought in Vietnam. Oral James Mitchell, Jr., got pancreatic cancer. He lived in Bethesda, Maryland, a 210-pound strapping man that you would want on your side in a fight, and I have had on my side in a fight, and this country had on its side in a fight in the Vietnam War.

When he had pancreatic cancer, he smoked marijuana. And his 88-year-old Irish Catholic mother said to me, ''Thank God for the marijuana. It is the only thing that makes Oral smile or eat.''

I watched that man go down to 115 pounds and die. And Mrs. Mitchell was correct. As he was dying of pancreatic cancer, if he was in a State that made it legal, States' rights say they should have some authority, and Brandeis said States are the laboratories of democracy. And as laboratories of democracy, we ought to experiment and find out if it works and if it is good for people who are dying, if it gives them some relief. If it is glaucoma, if it is cancer, whatever the illness, they should have that relief.

I would ask that we not have the Federal Government and DEA infringe on the laws of the States that have had changes in their laws, oftentimes through referenda of their people, and we allow those States to be the laboratories of democracy and not interfere with people who are dying, people who might have given their lives for this country, but who are dying and get some respite and some relief.

So I ask you to pass this and allow States to have rights and people to have some relief in their dying days.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to this amendment.

I just want to say a few words about marijuana. First of all, it does cause cancer. I have seen it. I have seen people with lung cancer, no risk other than they were chronic marijuana smokers.

Additionally, the last time we were debating this bill, I called one of my former colleagues in my medical practice who is an oncologist, I had three oncologists, and I asked him for the latest information on cannabis, or THC. He again informed me this is available in pill form. You can actually get it in pill form. Additionally, it is not a very good antiemetic and not a good appetite stimulator. There are about 18 different products legally available that doctors can prescribe.

By and large, most of the people who want to use this want to get high and there are consequences to letting this move forward.

Saying that this State and this State allows this, we need to remember something: States govern where you practice medicine. If I want to practice medicine here, I have got to get a license in the District of Columbia. If I want to open a satellite office, I have got to get a license in Maryland or Virginia. But the Federal Government regulates prescribing, for obvious reasons. If the patient comes in to see me here and lives in Virginia, they are going to go over to a pharmacy there. So the Federal Government has always regulated this.

There are significant consequences to making this product widely available, and that is what this amendment will do. This is a very, very bad amendment. Marijuana has been implicated in railroad accidents. It has been implicated in car accidents. It is documented to have an adverse effect on memory.

Jeepers, we have people dying in this country from the effects of cigarettes. We have people dying in this country from the effects of alcohol. We have people in this body wanting to ban cigarettes and ban smoking. And now we are going to take action to allow another dangerous substance on the market? And there is an agenda of the people who are behind these kinds of amendments.

□ 2045

They want to legalize marijuana, and they want to make another dangerous product available to our society. I think that this is a bad direction for us to go in. This a bad amendment and a dangerous amendment. I would encourage all of my colleagues to vote ''no'' on the amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Hinchey-Rohrabacher amendment, which would prohibit any funds made available in this act to be used to prevent implementation of legally passed State laws in those 12 States that have authorized the use of marijuana for medical purposes.

The Founding Fathers wanted criminal law to be the domain of local and State governments. Sick and infirm people who live in the 12 States that have been granted by the voters in these States the legal right to use marijuana to alleviate their suffering if a doctor agrees, we should not make them targets of prosecution. If the voters in a State have so voted, and a doctor agrees, it is a travesty for the Federal Government to waste scarce Federal resources to harass sick people, elderly cancer patients and frail, multiple sclerosis sufferers and prevent them from getting the relief their personal doctors have recommended.

We have heard here hysterical talk about how voting for this amendment will somehow prevent the Federal Government from being able to go after narcotics traffickers. That is nonsense. The DEA would still have the power to arrest anyone selling marijuana for recreational use, as well as anyone selling cocaine or any other drugs. After all, although related to opium, yes, and even heroin, morphine is already used legally in hospitals throughout the United States. That does not mean that we are going to open up the whole country to heroin because we allow hospitals to use morphine.

Whether morphine or marijuana, the fact is that Federal resources could be better used and shouldn't be wasted on arresting sick people or their doctors. Those Federal resources, if this amendment passes, can be redirected away from these people, but to major drug traffickers or crime syndicates. That makes a lot more sense than trying to stop somebody or arrest somebody who has a doctor's prescription because they are suffering from cancer treatment. It makes more sense to focus on the drug dealers, for Pete's sake.

Here in the House there is a wide coalition of Republicans and Democrats, conservatives and liberals, and this number has grown year by year, who want to promote State autonomy on this issue. This is what the Founding Fathers wanted. Criminal matters should be left up to the States.

A vote ''yes'' on Hinchey-Rohrabacher is a vote to respect the intent of our Founding Fathers and respect the rights of our people at the State level to make the criminal law under which they and their families will live. It reinforces rules surrounding the patient-doctor relationship, and it is in contrast to emotional posturing and Federal power grabs and bureaucratic arrogance, which is really at the heart of the opposition.

This is a vote for good government. This is a good vote for honest compassion. The legal, humanitarian and practical thing to do is to vote ''yes'' on this amendment.

Let me just note this. I have had personal experiences on this, and I certainly respect Dr. WELDON and his opinion. And I have asked him for his opinion many times for problems of my own. But I lost my mother, and I recently lost my brother, to cancer. I will tell you in both cases there was a loss of appetite and just a pessimism that came over my mother and my brother both. If marijuana would have helped them, and if a doctor would have prescribed it for them, it would have been a horrible thing to think that Federal agents would come in and try to interfere with that so they would not be able to get marijuana, if that is what their doctor felt would have helped them.

That is what we are deciding today: Is that a right use of resources, number one, to go in and interfere with this doctor-patient relationship? They already use morphine in hospitals. That doesn't interfere with people trying to get control of the sale of heroin on our streets. No, this will not interfere with that. But what this will do is prevent a terrible waste of Federal resources.

And let us note again, if people are sick, and a doctor says yes, this would be a good treatment, I don't think our Founding Fathers, who wanted the State governments to make these criminal laws, but I don't even think that they would have wanted the State governments to interfere in such a relationship.

Our Founding Fathers believed in individual freedom, and they believed in limited government. Where else but in the doctor-patient relationship should we have a limit on the government coming in and making things criminal matters? I urge my colleagues to vote ''yes'' on the Hinchey-Rohrabacher amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 2006.

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my previous life before coming to Congress, I was a prosecutor in Texas for a long time. Then I was a criminal court judge. Justice is one thing that we should always find in our country, but we don't always find it in our courts, unfortunately.

This case that has now become very famous throughout the United States happens to deal with two border agents doing their job. They come in contact with a drug dealer on the violent Texas-Mexico border. The drug dealer bring in a million dollars' worth of drugs in a van. He abandons the drugs and the van, takes off, tries to run back to Mexico, gets in a confrontation with our border agents. Shots are fired. He is shot in the buttocks and disappears into Mexico.

Our Federal Government brings the drug dealer back to the United States and grants him immunity from prosecution of a million dollars' worth of drugs in order to prosecute the border agents who were doing their job. He was given that immunity and testified against the two border agents. They were convicted and sent to a Federal penitentiary for 11 and 12 years. And for the most part of their sentence, which started in January, they have been in solitary confinement, what we reserve normally for the hardest and meanest and most violent criminals in our society.

It turns out that this drug dealer was not just a mule bringing in drugs to get a little money for his sick mother back in Mexico, but while he was waiting to testify, given immunity, he goes back to Mexico and brings in another load of drugs worth about $800,000.

Our Federal prosecutors knew about that second load of drugs, but they insisted that the jury not know about that second load of drugs, and the jury never heard about that second load of drugs.

It is relentless prosecution in this case that is chilling the effect of our border agents on the border to do their job, which is to enforce the rule of law, to arrest drug dealers. Our Federal Government had the choice to prosecute two border agents that violated

policy, or a drug dealer bringing in a million dollars' worth of drugs.

Now, you would think that public policy would say we would go after drug dealers. But no, our Federal prosecutors went after the border agents. We still don't know why they were so relentless in that prosecution, but they were. So tonight, while we are here, we have two border agents serving time in the penitentiary.

This amendment simply tries to right a wrong. It requires that no funds be used to incarcerate either one of these two border agents, Ramos and Compean, any further, and that they can be released from custody.

Almost everyone agrees that the punishment is way out of line. Even the prosecutor said that once. Last week the Senate held hearings on the prosecution of this case in a bipartisan manner and said that these sentences were way out of line. And so this amendment will simply allow no Federal funds to be used to incarcerate these two border agents.

Hopefully the House will continue to have hearings on why these two agents and other border agents have been prosecuted by the Western District of Texas while ignoring other violations of the law by drug dealers.

I hope that my fellow colleagues on both sides of the aisle would agree to support this amendment and to allow the release of these two individuals, and not allow any Federal funds to be used to incarcerate two men who were simply doing their job for the rest of us on the violent Texas border.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, every American is born with an innate sense of fairness and what is right and wrong. This case, more than any other, has struck a chord among Americans as being fundamentally unjust and flat wrong; that two law enforcement officers who swore an oath to protect this Nation, who were out on that violent Texas-Mexico border to protect this Nation against criminals and terrorists, every American understands the case where the two Border Patrol agents doing their job are thrown in prison for 11 and 12 years, and the drug smuggler goes free with a visa to pass back and forth as often as he wants. And the drug smuggler sues us, the taxpayers, for millions of dollars. Every American gets that.

I have never seen a level of outrage among my constituents and really across the country on any issue as there has been on this issue of freeing Border Patrol Agents Ramos and Compean.

It is patently unfair these two men, whatever you may say about the circumstances of the case, if they improperly picked up shell casings, they did not report the shooting, it is an administrative violation. At most you fire them from their job. But to be sentenced to 10 to 12 years in prison, these two law enforcement officers, to be sentenced to prison for 10 to 12 years is an outrage. It is just, it is unfair. The drug smuggler to this day is free.

As Judge POE said, the drug smuggler ran another load of dope into the United States, and the DEA knew about it during the trial of this case. This guy ran more drugs into the United States, and the prosecutor ordered the DEA not to arrest him and let him go free.

Every American understands this case. People may not have understood the Nigerian oil barge transfer and the Enron case; everybody gets this one. And the Congress, I am very proud to stand here tonight with many, many other Members of Congress who have asked the President first to pardon these two officers. And now that they are in prison and have suffered so much and have lost everything, many of my colleagues, who you will hear speak, have joined together in writing a letter and asking the President, and we reiterate that call tonight, Mr. Chairman, asking the President to commute the sentences of two Border Patrol agents, Ramos and Compean, for the same reason that he commuted the case of Scooter Libby.

In the case of Scooter Libby, the President said the sentence did not fit the crime. Certainly that is true here. If they picked up shell casings and didn't report the shooting, you don't go to prison for 10 and 11 years. In the case of Scooter Libby, the President said Scooter Libby had already suffered enough. Clearly these two Border Patrol agents have already suffered enough. They have lost everything. Their lives have been destroyed. They have been thrown in prison. It is just simply wrong for their incarceration to continue another day.

For whatever reason, the White House is turning a deaf ear on the call of the American people, the overwhelming outrage of the American people to have these two men released from prison. So what other choice do we have, Mr. Chairman, as Members of Congress, but to cut off the funding to the Bureau of Prisons to incarcerate them? We cannot as Members of Congress send a stronger signal to the White House and to the American people how committed we are to protecting this border and standing behind our law enforcement agents, and letting the Border Patrol agents know that we are proud of them and support the work that they are doing for the sake of our children and for the sake of our constituents. We understand clearly that we will never win the war on terror until we have truly protected our borders.

□ 2100

The border today is unprotected and wide open. If you cross in Arizona, you won't even be arrested the first 15 times you cross over. You're going to be put right back across the border.

If you cross in Brownsville, an agent told us on a trip just a couple of weeks ago, Brownsville will only arrest an illegal alien if they come up and knock on the window of the vehicle.

But yet, right next door in Del Rio, thank God Del Rio is arresting everybody. In Del Rio, using existing law and existing resources, Federal Judge Alia Ludlum, Border Patrol Sector Chief Randy Hill are arresting every single illegal alien crossing the border in Del Rio. They have zero tolerance for illegal aliens crossing in Del Rio. The local community loves it because it keeps the streets safe, the schools safe, the business community thriving. The illegal crossings have plummeted, burglaries have plummeted, and the result in Del Rio is peace and quiet. Yet, right next door in Brownsville there's chaos.

So, we all of us have a stake as Americans. In winning the war on terror, you've got to secure the border. No better way to secure the border than enforce existing law, and the best way to make sure that our agents out there in the field know that they're going to have the support of the American people is for the President to step up and commute the sentences of these two border patrol agents.

Until that happens, it is up to us here in Congress to do all that we can to send a message to every border patrol agent that we're doing everything within our power, officers of the law, to support you, to tell you we're proud of you. You are in front lines of the war on terror on the border, just as our soldiers are in Iraq.

I urge the Members of the House to support Mr. POE's amendment so we can stop the funding of the incarceration of these two agents and send as strong as possible a message to the White House and, frankly, also to every law enforcement agent in the field that we're proud of you and that we want you to protect our border.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Well, with Mr. CULBERSON speaking on this issue with such knowledge, he's a member of our subcommittee and I respect his knowledge of border issues so much that I approach this debate with fear and trembling. I know that he is passionate about this issue as he has talked with me about it before, in addition with the other border issues that I'm totally serious he is nigh an expert on.

Nevertheless, Mr. Chairman, I have to rise in opposition to this amendment for a number of reasons, but principally, let's get our jobs straight here. We're article I. We're the legislature. We pass the laws. We appropriate the dollars, and then the executive branch, of course they administer, and it goes on and on.

But the executive branch is article III, and the executive branch takes

these criminal cases and they process them. I heard some really excellent defense summary arguments here before juries in support of this amendment. I cannot imagine a body less capable, less appropriate to adjudicate the issues surrounding the incarceration, conviction, prosecuting of the cases against these two gentlemen than the United States House of Representatives.

First of all, it is a very serious issue, and if we were to act as a jury, we ought to be sitting here. And look around and we're not, not very many of us.

But secondly, it's not at all the appropriate forum. So we really shouldn't even be taking this up. This is a limitation amendment on an expenditure of funds to incarcerate two individuals who have been processed, due process arguably, and have had a very unfavorable result so far as they are concerned. This issue ought to be resolved in the courts surely, or if the President of the United States wanted to take it up, he has the power that we don't have, to my knowledge. He has a pardoning power. We don't have that here, but in effect, we are attempting to act as if we did here with these two amendments.

So I don't even begin to speak to the merits of the cases, and some folks have spoken to the merits of the cases here. I don't have the facts to argue the case, but I do know this is a particularly inappropriate forum and a particularly inappropriate and imperfect process by which to address these gentlemen's grievances.

So I rise in opposition to the amendment. I trust the body will recognize the merit of the arguments that I'm making, because I think they're sound, and will likewise oppose these amendments.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. TANCREDO. Mr. Chairman, in fact, this is not a unique situation, unique to the extent that the House has not acted before in a criminal case of this nature, but in fact, the House has acted in the past to intervene in cases where we have determined that the outcome was something we did not agree with. We've done it. We've stripped courts of certain abilities to actually hear cases.

In the past, we've actually passed legislation to change or overturn cases. One was, of course, the case of the Ten Commandments. Another one was, I believe, Congressman BERNIE SANDERS at the time passed a bill to overturn a case with regard to pension funds. So it is not unique that we would be doing this.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, my only point is that we have the power to define jurisdictions for the courts. It's in the Constitution. We don't have power to adjudicate the guilt or innocence of two individuals.

Mr. TANCREDO. Reclaiming my time, it is again not the position that we are taking here that we are, in fact, changing the decision of the court in regard to their guilt or innocence. We are saying that the punishment handed down is far in excess of what it is they may have done wrong, and that is something I think that we have the absolute ability and right to do here.

These two gentlemen have served now 190 days, 180 days, something, already in prison, and for what? I mean, the most significant thing that we can actually determine, even according to some of the discussions that have been held and some of the statements that have been made by the prosecuting attorney, they're sorry. They made mistakes in terms of maybe using the type of prosecution that would require this kind of penalty. They have even said this may have been the wrong thing to do. Members of the jury have indicated that if they had seen all of the information now provided to them they would not have voted this way.

So it isn't an issue of the facts of the case so much as it is whether or not we believe these people have actually spent enough time in jail, have they been punished according to the crime. And I would suggest to the gentleman that if you look at this case carefully, certainly that is the case.

The person that brought this stuff through, the individual that actually was the drug dealer, he is walking free. I have visited Mr. Ramos in prison after he was severely beaten in his cell. They attacked him in his cell, of course, because they found out he was a Federal agent, and I went down there and visited him. You cannot imagine how, in a way, heartbreaking it is to see this guy in the orange jumpsuit, in shackles, and knowing that he is being deprived of the comfort of his own family, as is Mr. Compean, and here's a drug dealer that's going free in the meantime. It is absolutely incredible. This is a travesty.

We have begged the President to please become involved with this, please pardon, please commute. He has chosen not to. This is the only option we have open to us, and that is why we are doing what we're doing tonight.

And yes, to some extent, I understand that it is not a common practice here, but I think the situation is not an ordinary situation where we have two people who have sworn to defend and protect this country. They are in jail. They have served enough time; that's what we are saying. They have served enough time.

Please adopt the Poe-Tancredo-Hunter amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the sentiments of the gentleman who's bringing forth this amendment. I don't for a second do anything but think that that's laudable, and I make no judgment about the merits of this case. As the gentleman describes the merits in the favor of these gentlemen, they're powerful. I mean, it sounds like the equities are running all in their favor. I make no comment on that at all because I don't know the facts. And I have read about it, and it does make one sympathetic based upon the facts as you cited.

But I don't make any judgments about that. I just oppose it because I don't think this is the right forum. The President, of course, would be an appropriate forum, but that's the only basis of my concern about the amendment. So I commend the gentleman for bringing the issue to the House.

Mr. TANCREDO. I thank the gentleman. If there were another way to do this, I assure you we would look at it. We have tried everything imaginable to get these two people to actually get justice, and the justice would be to set them free. And that is what I suggest we do with this amendment, and I certainly would urge this body to adopt the Poe-Hunter-Tancredo amendment.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I didn't come here to speak on this issue. I've certainly, I think like most Members of Congress, been following the sensation that television and others have made of this issue. But in the debate, I just wanted to share a couple of things that I've observed as a member of the Appropriations Subcommittee on Homeland Security and as Member of Congress who spent several days traveling all along the border with the Border Patrol.

It was very interesting because I ran into a lot of people that had been detained. I speak Spanish and was able to interview many of the people that were detained, and we don't really get into the day-to-day administration of the detention, release and so on. What was very interesting and kind of surprising to me, because this case has been argued in the media and certainly here on the floor, I was a little bit shocked by the last speaker who indicated that this is not a matter of facts. It is a matter of facts, and I think that we don't always deal with the facts.

I would point out that the drug dealer, the person that was shot in this case, was released. Did you know that the U.S. Attorney's office does not prosecute anybody who brings less than $5,000 worth of drugs across the border, less than $5,000? A lot of those marijuana packs that the smugglers carry are determined to be less than $5,000, and so nobody who is essentially

a mula is arrested, arrested but not detained.

We also, when we detain people, we give them the option, Do you understand you're now arrested? You have the right to a trial by jury as anybody in this country would have a right to unless you waive it. And 99.9 percent of everybody waives that and, therefore, gets released to their country of origin.

So this catch-and-release is not unusual. In fact, it's the norm, and the fact that this gentleman wasn't prosecuted for his drug record is of other facts.

What really struck me, and I'm just sharing, this is anecdotal information, but I think this amendment and the Congress bringing this up, in my opinion, is an abuse of power. Why? Because if, indeed, and I don't know the sentencing of these border patrolmen, but I know that there is a process if these sentences are extreme, you can appeal those. We have a sentencing commission, and the courts certainly review that. And so I think there is a remedy within our justice system to appeal where the sentences are too harsh.

But here's the thing that's most interesting to me. I didn't find one single member of the Border Patrol that supported these two people that had been arrested, who had been convicted by trial of law. So, on this floor, you're making them out as national heroes. They were convicted in a court of law in the United States for wrongdoing, and I think that, as the chairman has indicated, that it is not wise for the Congress to second-guess and make this a sensational case.

I've visited high school friends who were convicted of drug issues in prison, and I sympathize with everything that people say about these gentlemen, about their families and about the situation of being incarcerated. But I'm also concerned as a Member of Congress that we ought not to override the jurisprudence system that we've established in this country, and that I do think that the remedies in law lie in a court of law, and therefore, this amendment is not appropriate.

Mr. Chairman, I yield back.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, let me explain why this case is different from all the rest. This is an extraordinary case. It's a case which, even if you accept the drug dealer's word and all of his testimony as fact, finds results in not only the Members who have sponsored this amendment, Mr. POE, Mr. TANCREDO, myself, Mr. ROHRABACHER, Mr. CULBERSON and many others, that list should be extended to about 1 million ordinary Americans who now know the basic facts of this case, having been laid out in hearings in the other body and soon to be laid out in hearings here, because these gentlemen have been given murder verdicts. They have been given time in excess of the average convicted murderer in the United States.

□ 2115

That's what makes this case so extraordinary, along with the facts that attend the way evidence was kept from the jury.

Let me just explain this extraordinary case, this case in which the so-called victim was moving close to $1 million of drugs across the border, was shot, was wounded, was brought back into the United States, given immunity to testify against these two Border Patrol agents.

Yet after he had been given immunity, and presumably had told the U.S. attorney that in exchange for that immunity he would not continue to move narcotics, he was connected with another massive case of moving almost another $1 million of drugs across the border. That information was never communicated to the court, even though the testimony of that drug dealer is the testimony that sent both these agents to the penitentiary for, essentially, murder sentences; that is, 11 and 12 years respectively.

Certainly the U.S. Government at that point had an obligation to go to the court and tell the court that, indeed, the credibility of their key witness had been doubly compromised by this second movement of narcotics.

Lastly, let me just say this: Pardons are given, commutations are given. This is, I think you could look at this as maybe another species of commutation. That is, if the Congress speaks loud and clear, and the President signs this bill, then that will be a commutation of the sentence of Agents Compean and Ramos.

In light of the commutations that have been given recently by the executive branch, I think we need to remember that people that live in small houses sometimes have a right to commutations of sentences, just like people who live in big houses.

In this case, these two Border Patrol men are now in isolation, having spent a long time in jail, Mr. Ramos having been beaten up. Their families, most of us have met their families. This is a matter of little children wanting to see their daddies come home who, in my estimation, have not broken any law anywhere as significant as that which would justify these massive sentences that they have been given, this 11 and 12 years in Federal penitentiary, respectively.

Let me add my voice to support of this amendment, which I, along with a number of other colleagues have cosponsored with our great friend from Texas (Mr. POE).

Mr. Speaker, I yield to Mr. POE the balance of my time.

Mr. POE. Mr. Chairman, how much time do I have?

The CHAIRMAN. There is 1 minute remaining.

Mr. POE. I appreciate the support. I would like to comment on the comments earlier by the gentleman from California.

It is true. I don't know if the American public knows this, but if drug dealers bring in $5,000 of drugs or less, they are not prosecuted. But this wasn't a $5,000 case. The drug dealer first brought in $1 million worth of drugs, and in the second case he snuck in $800,000 worth of drugs. The jury was never told about that.

The other thing I would like to point out is that Members of Congress met with the Homeland Security inspector general about this case. They gave us information that turned out not to be true. Mr. Skinner finally testified under oath before Congress that the information they gave us about this case was false. That is disconcerting in this type of matter when we have Homeland Security telling Members of Congress things that are not true about this particular matter.

I don't have time to go on that, but I would ask for support of this case. This is the only remedy available. In my judicial experience, I do believe in our court system, and our courts eventually will work this case out. It will be reversed, but meanwhile they are in jail. The only way they can get out of jail is if we pass this amendment. I appreciate it.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODE. Mr. Chairman, I was over in my office signing letters, and I heard the discussion on the floor about Ramos and Compean, and I heard what the great gentleman from West Virginia had to say. He talked about procedures and how, really, this would be better off left to the courts in some other avenue.

But this is not about procedure. It's not about some rules and regulations that we must adhere to over what is just. What is just in this case is to set Ramos and Compean free.

This is an issue of what's right for the United States of America. The morale of our Border Patrol has had a truck driven through it by those who have prosecuted and persecuted Ramos and Compean. They deserve no more prosecution. They deserve no more persecution. They need to be set free and enhance the morale of our Border Patrol and enhance the security and integrity of the United States of America.

This is an issue about our borders. If you believe that our borders should be secure, and if you believe that those who enforce our borders should be stood up for, you need to vote ''yes'' for this amendment.

I ask you to vote for our country. Vote for our sovereignty, vote for our borders and vote ''yes'' for the Poe-Hunter-Tancredo amendment.

Mr. ROYCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, this amendment would prevent the expenditures of any funds for the purpose of enforcing the judgment or imposing the sentences handed down in the case of United States v. Ignacio Ramos and Jose Compean.

As most of you know, President Bush so far has rejected appeals by many of us for a pardon for these two Border Patrol agents who are now sitting in Federal prison for shooting a professional drug smuggler who worked for the cartels, who was fleeing back across the Rio Grande. These two agents are now serving 11 and 12 years, respectively.

I have talked to many Border Patrol agents about these cases, about the circumstances they face down there. I haven't found any that don't support Jose Compean and Ignacio Ramos, and certainly their association supports them fully.

In the meantime, of course, the great irony here is the smuggler they apprehended for attempting to smuggle some 750 pounds of drugs into our country is free.

The U.S. attorney here claimed that the agents fired on an unarmed man, but how do we know that? Because the U.S. attorney asked the jury to take the smuggler's word for that and to disbelieve the two Border Patrol agents who testified they thought he had a gun.

I can tell you I held numerous hearings down there on the border in Texas in the past, over 400 attacks on our Border Patrol agents. The family members of the individual here who was smuggling say he would not move drugs without a gun on him. That is what his own family says about him.

Frankly, it does take a stretch of the imagination to believe that an employee of a cartel down there would not have a gun somewhere near him moving this quantity of drugs.

Now, the U.S. attorney said the agents failed to file a report for their actions, and that proved they tried to cover up the shooting. I am not sure that was true. Two of their supervisors were on the scene within minutes, and the agents made a verbal report to them, according to Ramos and Compean.

Failing to file a written report is an administration violation and normally punishable by a 3-day suspension, but it is the supervisor who is supposed to file that report, as I understand it, not the agents.

The U.S. attorney says that Ramos and Compean were convicted by a jury in Texas after all the evidence was presented. But, the U.S. Attorney, his team, prevented crucial evidence from being admitted in the trial. For example, the jury did not learn that the smuggler committed a second smuggling operation while he was under the grant of immunity given by the U.S. attorney. That information was withheld from the jury while it was argued that the agents, that the Border Patrol agents, couldn't have known he was a drug smuggler, even though there was this quantity of drugs in his van.

The U.S. attorney had prosecutorial discretion in choosing to do this, and he chose to throw the book at Ramos and Compean while giving the professional drug smuggler a visa that allowed him free passage across our border to smuggle again. The attorneys for Ramos and Compean have filed an appeal with the U.S. circuit court asking for a new trial. They deserve a new trial. Yet the quickest and surest way to manifest this injustice is for President Bush to grant a full pardon or, at a minimum, a commutation of the prison sentence.

These men deserve better, and today we have an opportunity to right that wrong. By voting for this amendment to free these men, Congress will not only be correcting a terrible mistake, it will begin repairing the morale and effectiveness of our Border Patrol that have been damaged by, frankly, these reckless actions.

It's time to send a different message to both the courageous men and women of the Border Patrol and to the mules and to the bosses in the drug cartels. Let's send that message today by telling the cartels that our Border Patrol means business, not business as usual.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, the Ramos and Compean prosecution has been the greatest miscarriage of justice in my 30 years in Washington, DC, and, believe me, I have seen a lot.

Ramos and Compean were veteran Border Patrol agents. They had unblemished records. They had both served in the military. Ramos and Compean were veterans of the Border Patrol, 5 and 10 years, respectively. Both had been in the military. In fact, Mr. Ramos, I believe, had been a 10-year veteran. He was a naval officer in the Navy Reserve for 10 years. Ramos had been nominated the year before as Border Patrol Agent of the Year.

Yet these two agents, their lives have been destroyed, and they have been vilified by Department of Justice officials and this administration. One day 2 years ago, they interdicted a drug dealer. After a scuffle ensued, the drug dealer ran toward the border, shots were fired, the drug dealer was shot in the buttocks. At the end of this incident that took place in just a few minutes, where a split-second decision was made to shoot their weapons, they decided that he had gotten away. They didn't know that the drug dealer had been hit.

There is where they made their mistake. They decided to not go through the 8 hours of arduous drudgery of filling out all of the reports that are necessary, the paperwork that is necessary when there is a shooting incident. So they and their supervisors, I might add, helped collect the little shell casings and determined, well, the guy didn't get hit, we will just forget it.

Well, that was a violation of procedure, yes. For that they might have deserved a suspension. Instead, this administration chose to throw the book at these men and turn what should have been just a violation of procedure, perhaps just a paperwork mistake, which sometimes happens even here in this body, they turned that into a felony.

They have destroyed the lives of these two defenders of our country who have spent 5 and 10 years of their lives willing to take bullets for us on the border. But our administration, this administration, decided to throw the book at them and give a free pass to the drug dealer, to the man who is bringing in $1 million worth of narcotics into our country.

That decision is so indefensible that I believe that the administration has been trying to cover up for that mistaken decision since that moment. What we have had, for those of us who have been looking into this, is we have been completely stonewalled by this administration, by the Department of Justice, by U.S. Attorney Johnny Sutton in trying to get the information about the drug dealer and the free passes, the free passes that he had to transit into our country unescorted after this incident.

The fact of the matter is that the jury was told that the drug dealer involved was a one-timer who was trying to raise money so he could buy medicine for his mother, his sick mother. That was a lie that was presented to the jury, a lie.

Let me repeat that. It was not true, and the prosecutors understood they were given something not true. In fact, we were told by the U.S. attorney, Johnny Sutton, well, the fact that the information that the drug dealer had been picked up a second time before that trial was kept from the jury, but that the judge was the one who decided that.

□ 2130

That too is a lie. A lawyer may believe that, but the fact is we know the prosecutors were the ones who demanded the judge. It was their motion to keep that from the jury.

So why do we have an administration that feels so intent on destroying the lives of these two Border Patrol agents that they vilified them, that they keep information from the jury? This whole thing stinks to high heaven and the smell seems to be emanating from the White House.

Ladies and gentlemen, these are two people, two men, two brave heroes who were defending our country every bit as much as those men and women who are overseas right now defending our country. They were willing to risk their lives for us. We should not sit aside and let them languish in prison as their families go down into abject poverty without any health care, without any source of income. Their retirement benefits are destroyed. This is

the most mean-spirited, nasty attack on some of the defenders of our country that I have ever seen in my lifetime. We cannot let it sit. If we are patriotic Americans, it doesn't go to just posture ourselves with the defenders of this country and then let these two men languish in prison.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 3 additional minutes.)

Mr. ROHRABACHER. Mr. Chairman, I would ask my colleagues to search their hearts. We can do something about this.

You know, first of all, it has been a dismay to me to see how we have treated each other in this body. I don't know why, but people are looking to bring down each other because people disagree. We can understand that with philosophical differences, but how can we ever justify someone who has gone out of their way, our representatives in the Department of Justice going out of their way to bring down two defenders, turning a paperwork mistake, a procedural error, into a felony which has destroyed these men's lives.

If we stand up for Ramos and Compean, we stand up for the people of the United States. They know that; they are watching us. They know if we really care about the little guy, and that is what this is all about. We care about the little guy because that is what America is all about.

I support the amendment and ask my colleagues to join me in doing so.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. To the gentleman from West Virginia, let me just say I know your concern about the process here. But I think that if you reviewed this situation and the process these two Border Patrol agents went through, you would understand why some of us are standing up and saying, first of all, the 10-year minimum for the commission of a crime while carrying a firearm, it was used to apply to these agents, was never meant to apply to law enforcement agents who are required by law to carry firearms. And I think we can kind of understand.

Remember when we passed that and it went through, it was sort of like, criminals, if you are going to engage in criminal activity, leave your gun at home, as a way of lowering the level of violence and the potential violence of criminals carrying firearms at the time of the commission of the crime.

This law that we passed at the Federal level is being applied to Federal officers who are required by statute to carry a firearm. And so now what we have is that we have law enforcement agents who are sworn to serve the American people, that are being prosecuted under a statute that says we are going to nail you because you were carrying a firearm during the commission of a crime when, as a requirement of their employment, they had to carry the firearm.

Doesn't anybody else find this kind of absurd, if not ridiculous?

And all I have to say is I would sincerely hope that the chairman of the committee will take a second thought about opposing this amendment, because I think in all fairness the American people are saying we have two agents who were serving their Nation as best as they could. They might have made a mistake that should have been administered through an administrative process; and those of us in local government that have worked with law enforcement know this, excessive force happens in certain situations.

But this is where a Federal law that we passed in Congress that says we are going to nail the criminals who use firearms in the commission of a crime and tell them don't ever carry a firearm when you are thinking of breaking a crime, that that law is being applied to our agents who are executing the requirements of Federal law. That was never the intention of this law, but it is being applied to these two agents.

So I just have to say sincerely, I would really ask the chairman to reconsider his opposition to this amendment. I think fair-minded people that know why this Federal law was passed know that it was not meant for Border Patrol agents or any Federal agents that are required to carry a firearm, to use this law against those agents. And if you can do it to Border Patrol agents, you can do it to FBI agents, you can do it to everybody.

Now, let me just say something about the unique situation that we are seeing down at the border. At this location, Mr. Chairman, within the month of this incident you had Border Patrol agents under fire by automatic gunfire, AK–47s firing at our agents from across the border. There was good reason to think that our agents might have been a little more active with their guns than we might have preferred. But, in all fairness, it really comes down to: Are we willing to stand up and say there has been a mistake, that mistake needs to be addressed, needs to be reassessed, and do we now relinquish our responsibility of the budget to the executive branch where we say these agents have been wronged?

And if those of you that want to talk about this, in all the years I was in local government I saw excessive force cases brought very seldom. In this one sector, this Federal attorney has brought excessive force cases against three different law enforcement officers. Every one of them that we know of, or I know of, just happened to have been cases that involved illegal aliens, drug smugglers, foreign nationals committing a crime. That is really unique. I have never heard of that kind of situation occurring anywhere else.

In this case, it is time that we stand up and we say, you have the jurisdiction to prosecute, you have the jurisdiction not to give clemency on this issue, but we have the jurisdiction of saying you will not use the taxpayers' funds to prosecute these men.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. I understand, Mr. Chairman, the President of the United States today issued a press release saying that he was not going to ask that these officers be allowed out on bail or bond even after it was requested that they do be permitted to be released on bail and bond. I find it regrettable that the President did not give some explanation for why he didn't give these officers an opportunity to be given release on bail or bond as other people who would be on trial or given that kind of opportunity would otherwise be given.

At the very least, I think the President, given the nature of these officers being in law enforcement, has an obligation to ensure their security when they are in prison because they are, I understand, at greater threat to their own lives being law enforcement officers if they are incarcerated. And I would hope that the Department of Justice in its incarceration procedures does take into account the very increased threat level to these officers because of the nature of them being law enforcement officers.

That being said, however, we do have to keep in mind that it is a Bush-appointed U.S. Attorney that prosecuted these Border Patrol officers and it was a jury of a U.S. citizens who rendered a verdict based upon the U.S. law and based upon the evidence of U.S. law, not the Members of Congress here standing based upon newspapers and based upon Fox news stories and everything else, but based upon the evidence in a case presented to a jury through an evidentiary hearing. And that is what we need to abide by is a legal process. We can't abide by a political process.

If we were to abide by political process every time a legal case came along and were to suspend the process every time we thought one case was more popular than the other, it would just upend the idea of justice as we know it in this country, because I think all of us could come here to the floor and tell of a unique story where someone was wronged by the system of justice in this country.

And I think that it is kind of ironic that my friends are so outraged by mandatory minimums with guns, because they are so outraged by mandatory minimums with everything, and yet they are the first ones to pass these mandatory minimums and then wonder, now finding their own friends in the behind and saying, no, we can't have it touch our friends, and then all of a sudden they don't want it that way.

Well, you know what? There are lots of people in this country who have been

caught behind these mandatory minimums who have just been caught in the wrong place at the wrong time that are now serving life sentences. Kids that have been caught in ghettos just because they have been friends of friends who have been part of gangs. Now that they have been associated with gangs, they have gotten the gang-related crime tagged onto them, which has added another 10 years to their sentence, and that has been a mandatory minimum just because of some law that we have passed saying that you get another 10 years because you are related to a gang member. Now it is very interesting that all of a sudden people are so outraged by these minimums that have been tacked on to these officers carrying firearms in the commission of a crime.

So I just think that we should all pause for a moment when we think about being tough on crime. Here is a perfect example of where it comes back to bite us in the you-know-where when we think that we are trying to be tough on crime and then find out that sometimes when we are passing these mandatory minimums it doesn't always work out the way we expected it to be.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from California.

Mr. BILBRAY. I think you agree, though, that when we talked about the 10-year minimum, the jury was told that they had to administer the 10-year execution based on the commission of the crime. And I think you were here when the 10-year minimum was passed. I think you would agree the idea was to try to encourage anybody that, if you are going to do something that was illegal, you don't carry a gun, because it would lower that level of potential.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I very much appreciate the gentlemen that have bought this amendment to the floor. It is something that all America has been fixated upon, because they understand the injustice that underlies the prosecution of these two Border Patrol officers. And I would like to characterize this perhaps a little bit differently.

Listening to the gentleman, my friend who just got done speaking, talking about the mandatory minimums being something that comes back to bite us in the you-know-where, no, this isn't the mandatory minimum issue that is before us tonight. This is the equivalent of a private bill.

We have brought private bills through this Congress a number of times when we see issues that there is such an egregious case for specific individuals that we will generally bring that language through the Judiciary Committee, through the Immigration Subcommittee and on through Judiciary and onto the floor. It has happened a number of times in my time here in Congress. In fact, I have one here today that one of your colleagues from your side of the aisle offered to me, and I will consider it. But this is actually in my jacket pocket. This is a private bill asking for relief for people who have violated the law but find themselves in unique circumstances and pleading upon this Congress to make an exception because they are unique circumstances, and this is a measure to our heart.

What does our heart have to say to us when you see two Border Patrol officers who put their lives on the line on a daily basis and find themselves caught in this legalistic vice that has unfolded because, I think, of a discretionary decision by a U.S. Attorney in his prosecution?

What I am concerned about is if this Congress doesn't stand up and defend these two people, Ramos and Compean, Border Patrol officers will be reluctant to pull their weapon in the line of duty and they will be in the line of fire. And I am afraid we will lose one or more Border Patrol officers in the line of duty because they will be hesitant to ever pull their weapon. That is a piece of their thing.

I yield to the gentleman from Texas, and again thank him for his work in bringing this amendment to the floor.

□ 2145

Mr. POE. I thank the gentleman from Iowa for yielding.

I know that we've discussed this issue a lot tonight, but it's important because it has to do with the most important concept that any of us have, liberty. And we have found in the investigation of this case that the U.S. Attorney's Office has done everything it can to make sure that these two people stay in jail.

The key to this is that the jury did decide the facts of this case, but the jury didn't get all the facts given to them under the law. There was another case where the drug dealer brought in another $800,000 worth of drugs while he's running free at American taxpayer expense, and brings in these drugs while he's waiting to testify. Anybody who served on any jury in the country would want to know about that second case. This jury was prohibited from knowing about that because of the insistence and the relentless prosecutor who demanded that the jury not hear about all of the facts.

The question is why? Why wouldn't the prosecutor want the jury to know all the truth about this case?

We don't know. We do know that the Mexican Government, in its righteous indignation, sent a speedy letter over to the U.S. Attorney's Office demanding prosecution of these border agents. The Mexican Government dealing in our court system, their opinion is irrelevant, I submit, Mr. Chairman.

And this case is a case where our Border Patrol agents are in Fabans, Texas. I don't believe there's been a person here that's been to Fabans, Texas, unless they've gone there on purpose to see the border. It's a violent, dangerous, desolate area. And based upon the rules they have to follow, they cannot fire their weapon unless they are fired upon. In other words, they've got to take a bullet before they can defend the border. And they operate under that environment because of the national security of our border.

In this case, overreaching by the prosecutor; too heavy a sentence. He even said so later after the prosecution. And what this does is release these two individuals while the appeal goes on. It releases them from custody of our Federal Government. And it's the responsibility of Congress in further investigations to find out why our Western District of Texas is so relentless in prosecuting border protectors. And this is one way we can do something. We have that authority. We can cut the funds, and we ought to cut the funds that incarcerate these two individuals. We ought to pass this amendment in a bipartisan manner.

Mr. KING of Iowa. Mr. Chairman, I'd say also there is a bill following this. If this doesn't do the job, I have a bill ready to introduce that grants them a new trial, a de novo review, and it removes the jurisdiction to the Northern District of Texas.

We're going to find a solution this. We're going to stand up and defend Ramos and Compean. This sends the message. It might get the job done. I urge adoption.

I yield back.

Mr. GILCHREST. I move to strike the last word.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. GILCHREST. Mr. Chairman, what I would like to do is have a colloquy with the gentleman from Texas (Mr. POE) to inquire about some of the comments that have been made here tonight so I can better understand Congress's role in this particular judicial decision, court decision, conviction in Texas, just to give me a little comfort in trying to understand our role in this case and whether or not it is appropriate.

Can the gentleman from Texas tell me, after the incident occurred with the border agents and the drug dealer, who brought that information to the U.S. attorney in the very beginning? Does anybody know that?

Mr. POE. There's a disagreement over who brought that to them. We first heard that the Mexican Consulate brought it to someone working in the Federal Government. And then we also heard that another border agent brought it, so I don't know the answer to that question.

Mr. GILCHREST. So that's not clear.

Did the border agents supervisors, or do you have any idea who spoke, if there was, in fact, a grand jury, to determine whether or not there was enough evidence?

Mr. POE. There was a grand jury investigation. I do not know who testified. The border supervisors were on the scene and were aware of the entire circumstances.

No one knew that the drug dealer who disappeared back into Mexico had even been shot, and so they thought that the person was shot at and he disappeared. And the next thing they know, they are being questioned about 30 to 60 days later about the incident that occurred.

Mr. GILCHREST. Under those circumstances, with the supervisors aware of the actions of the border agents, the defendant subsequently was found out to be wounded, under those circumstances, in a Federal court, did the prosecutor take into consideration those mitigating circumstances that border agents are often, and in your case, in the area where you represent, a very dangerous situation? This was a known drug smuggler. He had smuggled in $1 million worth of drugs. He had, apparently, a violent past.

What sentencing guidelines did the prosecutor use to give these border agents 11 years and then 12 years?

Mr. POE. The border agents were offered, if they pled guilty to the offense, 2 years incarceration. If they did not plead guilty and went to trial, the prosecutor added the section under our law, 924(c) section that required or would allow a mandatory additional 10 years incarceration because a weapon was used. That is subject to appeal as to whether that applies to peace officers or not. That was added. Therefore they received 11 and 12 years in the penitentiary after the trial and after sentencing because they would not plead guilty for a crime they didn't do.

Mr. GILCHREST. Has there been an appeal filed on behalf of the defendants?

Mr. POE. Yes. There has been an appeal. Both of these cases are on appeal, and they are in custody while these cases are on appeal.

Mr. GILCHREST. And it is also under appeal to determine whether or not the sentencing guidelines that we passed in the House applied in this case?

Mr. POE. The indictment on its face is being challenged because in the indictment it alleges the deadly weapon or the brandishing of a firearm, which requires an additional 10 years. That is also contested on appeal, whether it applies to peace officers or not.

Mr. GILCHREST. Was it the intent of this Congress that that particular statute be applied to a peace officer or a border agent in defense of the country, the border or his own life?

Mr. POE. In my opinion, absolutely not. It applies to other cases where a firearm is used, such as in a robbery. It doesn't apply to border agents who are required to use and possess a firearm while they are on duty. And so it is not, in my opinion, the intent of Congress. And, of course, that will be litigated on appeal as well.

Mr. GILCHREST. I thank the gentleman for answering the questions.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. DRAKE

Mrs. DRAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DRAKE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mrs. DRAKE. Mr. Chairman, I introduced an amendment today that merely reinforces current Federal law and provides a penalty for jurisdictions that choose not to follow this law.

My amendment would prohibit funds from being made available to States and localities that do not abide by section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Simply put, Congress will not distribute funds to any jurisdiction that is a sanctuary city.

Mr. Chairman, I yield time to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentlelady for yielding, and I want to commend her on a very thoughtful amendment. As I understand it, the majority is going to be willing to accept it.

I had two amendments that dealt with this very same issue that specifically dealt with the SCAAP program and the COPS program, denying funds to any of the sanctuary city or sanctuary community jurisdictions.

As I understand it, her language covers both of those things, and I am going to be looking forward to working with the gentlelady in the years ahead to make sure that these sanctuary cities do not have access to these funds.

Mrs. DRAKE. Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to this amendment. We're going to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to help prevent aliens who lack authorization to work legally from taking Federal jobs.

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress responded to the problem of document verification when hiring folks by establishing three pilot programs for employment eligibility verification. Private employers in selected States could volunteer to participate in these programs.

Under a program called the Basic Pilot Program, Social Security numbers and Alien Identification Numbers of new hires are checked against Social Security Administration and Department of Homeland Security records. This weeds out fraudulent numbers and assures that new hires are legally eligible to work.

A 2001 report on the Basic Pilot Program found 96 percent of employers found it to be an effective tool.

In 2003, Congress extended the Basic Pilot Program for another 5 years and made it available to employers nationwide.

The 1996 law stipulates that each department of the Federal Government must participate in the Basic Pilot Program. Incredibly, the Departments of Commerce, Justice and State, are currently not participating.

My amendment basically says, because I hear from constituents all the time who are angry about those working who do not have legal verification. What message does it send when Federal agencies do not abide by the Federal laws?

There's no excuse for having any illegal aliens taking Federal jobs. We have a Basic Pilot Program to stop this from happening. We have a law on the books that requires Federal agencies, including Commerce, Justice and State, to use it for employment verification.

My amendment provides that no funds in this appropriation bill shall be spent in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are willing to accept the gentlelady's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. ETHERIDGE of North Carolina.

Amendment No. 9 by Mr. SESSIONS of Texas.

An amendment by Mr. INSLEE of Washington.

An amendment by Mr. POE of Texas.

An amendment by Mr. REICHERT of Washington.

An amendment by Mr. HINCHEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. CAPITO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 186, not voting 8, as follows:

[Roll No. 727]

AYES—243

Aderholt
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cuellar
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellison
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hobson
Hodes
Hoekstra
Holden
Hulshof
Hunter
Issa
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Rush
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—186

Abercrombie
Ackerman
Akin
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Culberson
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shadegg
Shea-Porter
Sherman
Sires
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on the vote.

□ 2228

Ms. CORRINE BROWN of Florida, Mr. NEAL and Mr. MCNULTY changed their vote from ''aye'' to ''no.''

Messrs. HOBSON, LAMPSON, HALL of Texas, CAMP of Michigan, LOEBSACK, HIGGINS, ARCURI, TOM DAVIS of Virginia, KIND, DOGGETT, HERGER, POMEROY, DELAHUNT, SESTAK, COSTELLO, GUTIERREZ, DAVIS of Alabama, HARE, WYNN, JOHNSON of Georgia, ELLISON, MELANCON, AL GREEN of Texas, SHULER, NADLER, HODES, SCOTT of Georgia and RUSH, and Ms. GRANGER, Mrs. MALONEY of New York, Ms. WATERS and Ms. GIFFORDS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ETHERIDGE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 14, as follows:

[Roll No. 728]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley

Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—2

Flake
Moran (VA)

NOT VOTING—14

Clarke
Cubin
Cummings
Davis, Jo Ann
Johnson, Sam
Keller
LaHood
Marshall
McCrery
Michaud
Rangel
Ross
Serrano
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2232

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 267, not voting 8, as follows:

[Roll No. 729]

AYES—162

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—267

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 45 seconds remain in this vote.

□ 2237

Mr. CONYERS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 18, not voting 7, as follows:

[Roll No. 730]

AYES—412

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—18

Abercrombie
Campbell (CA)
Cannon
Clay
Frelinghuysen
Hall (TX)
Hastert
Herger
Hirono
Hoyer
Inglis (SC)
Johnson, Sam
Kingston
Lewis (CA)
Mollohan
Rahall
Ryan (OH)
Shadegg

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2240

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 34, not voting 8, as follows:

[Roll No. 731]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—34

Becerra
Butterfield
Clay
Cleaver
Clyburn
Conyers
Dingell
Frelinghuysen
Grijalva
Hastings (FL)
Holt
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Larsen (WA)
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Olver
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Smith (WA)
Solis
Stark
Velázquez
Visclosky
Watt
Woolsey

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Walsh (NY)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2244

Mr. FRANK of Massachusetts and Mr. DELAHUNT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 25, not voting 7, as follows:

[Roll No. 732]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—25

Becerra
Cleaver
Clyburn
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Hastings (FL)
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Solis
Stark
Woolsey

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

□ 2248

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 10, as follows:

[Roll No. 733]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Broun (GA)
Campbell (CA)
Capps
Capuano
Carnahan
Carson
Christensen
Clay
Cleaver
Cohen
Conyers
Courtney
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Melancon
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Porter
Price (NC)
Rangel
Rehberg
Renzi
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Solis
Sutton
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—262

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Bachus
Boucher
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 2252

Mr. GUTIERREZ changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. SNYDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. THOMPSON of Mississippi submitted the following conference report and statement on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States:

CONFERENCE REPORT (H. REPT. 110–259)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendation of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Implementing Recommendations of the 9/11 Commission Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOMELAND SECURITY GRANTS
Sec. 101. Homeland Security Grant Program.
Sec. 102. Other amendments to the Homeland Security Act of 2002.
Sec. 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006.
Sec. 104. Technical and conforming amendments.
TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS
Sec. 201. Emergency management performance grant program.
Sec. 202. Grants for construction of emergency operations centers.
TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS
Sec. 301. Interoperable emergency communications grant program.
Sec. 302. Border interoperability demonstration project.
TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM
Sec. 401. Definitions.
Sec. 402. National exercise program design.
Sec. 403. National exercise program model exercises.
Sec. 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 405. Federal response capability inventory.
Sec. 406. Reporting requirements.
Sec. 407. Federal preparedness.
Sec. 408. Credentialing and typing.
Sec. 409. Model standards and guidelines for critical infrastructure workers.
Sec. 410. Authorization of appropriations.
TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS
Subtitle A—Homeland Security Information Sharing Enhancement
Sec. 501. Homeland Security Advisory System and information sharing.
Sec. 502. Intelligence Component Defined.
Sec. 503. Role of intelligence components, training, and information sharing.
Sec. 504. Information sharing.
Subtitle B—Homeland Security Information Sharing Partnerships
Sec. 511. Department of Homeland Security State, Local, and Regional Fusion Center Initiative.
Sec. 512. Homeland Security Information Sharing Fellows Program.
Sec. 513. Rural Policing Institute.
Subtitle C—Interagency Threat Assessment and Coordination Group
Sec. 521. Interagency Threat Assessment and Coordination Group.
Subtitle D—Homeland Security Intelligence Offices Reorganization
Sec. 531. Office of Intelligence and Analysis and Office of Infrastructure Protection.
Subtitle E—Authorization of Appropriations
Sec. 541. Authorization of appropriations.
TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE
Sec. 601. Availability to public of certain intelligence funding information.
Sec. 602. Public Interest Declassification Board.
Sec. 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.
Sec. 604. Availability of funds for the Public Interest Declassification Board.
Sec. 605. Availability of the Executive Summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001.
TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL
Subtitle A—Terrorist Travel
Sec. 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.
Subtitle B—Visa Waiver
Sec. 711. Modernization of the visa waiver program.
Subtitle C—Strengthening Terrorism Prevention Programs
Sec. 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 722. Enhancements to the terrorist travel program.
Sec. 723. Enhanced driver's license.
Sec. 724. Western Hemisphere Travel Initiative.
Sec. 725. Model ports-of-entry.
Subtitle D—Miscellaneous Provisions
Sec. 731. Report regarding border security.
TITLE VIII—PRIVACY AND CIVIL LIBERTIES
Sec. 801. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 802. Department Privacy Officer.
Sec. 803. Privacy and civil liberties officers.
Sec. 804. Federal Agency Data Mining Reporting Act of 2007.
TITLE IX—PRIVATE SECTOR PREPAREDNESS
Sec. 901. Private sector preparedness.
Sec. 902. Responsibilities of the private sector Office of the Department.
TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY
Sec. 1001. National Asset Database.
Sec. 1002. Risk assessments and report.
Sec. 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan.
TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION
Sec. 1101. National Biosurveillance Integration Center.
Sec. 1102. Biosurveillance efforts.
Sec. 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.
Sec. 1104. Integration of detection equipment and technologies.
TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING
Sec. 1201. Definitions.
Sec. 1202. Transportation security strategic planning.
Sec. 1203. Transportation security information sharing.
Sec. 1204. National domestic preparedness consortium.
Sec. 1205. National transportation security center of excellence.
Sec. 1206. Immunity for reports of suspected terrorist activity or suspicious behavior and response.
TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS
Sec. 1301. Definitions.
Sec. 1302. Enforcement authority.
Sec. 1303. Authorization of visible intermodal prevention and response teams.
Sec. 1304. Surface transportation security inspectors.
Sec. 1305. Surface transportation security technology information sharing.
Sec. 1306. TSA personnel limitations.
Sec. 1307. National explosives detection canine team training program.
Sec. 1308. Maritime and surface transportation security user fee study.
Sec. 1309. Prohibition of issuance of transportation security cards to convicted felons.
Sec. 1310. Roles of the Department of Homeland Security and the Department of Transportation.
TITLE XIV—PUBLIC TRANSPORTATION SECURITY
Sec. 1401. Short title.
Sec. 1402. Definitions.
Sec. 1403. Findings.
Sec. 1404. National Strategy for Public Transportation Security.
Sec. 1405. Security assessments and plans.
Sec. 1406. Public transportation security assistance.
Sec. 1407. Security exercises.
Sec. 1408. Public transportation security training program.
Sec. 1409. Public transportation research and development.
Sec. 1410. Information sharing.
Sec. 1411. Threat assessments.
Sec. 1412. Reporting requirements.
Sec. 1413. Public transportation employee protections.
Sec. 1414. Security background checks of covered individuals for public transportation.
Sec. 1415. Limitation on fines and civil penalties.
TITLE XV—SURFACE TRANSPORTATION SECURITY
Subtitle A—General Provisions
Sec. 1501. Definitions.
Sec. 1502. Oversight and grant procedures.
Sec. 1503. Authorization of appropriations.
Sec. 1504. Public awareness.
Subtitle B—Railroad Security
Sec. 1511. Railroad transportation security risk assessment and national strategy.
Sec. 1512. Railroad carrier assessments and plans.
Sec. 1513. Railroad security assistance.
Sec. 1514. Systemwide Amtrak security upgrades.
Sec. 1515. Fire and life safety improvements.
Sec. 1516. Railroad carrier exercises.
Sec. 1517. Railroad security training program.
Sec. 1518. Railroad security research and development.
Sec. 1519. Railroad tank car security testing.
Sec. 1520. Railroad threat assessments.
Sec. 1521. Railroad employee protections.
Sec. 1522. Security background checks of covered individuals.
Sec. 1523. Northern border railroad passenger report.
Sec. 1524. International Railroad Security Program.
Sec. 1525. Transmission line report.
Sec. 1526. Railroad security enhancements.
Sec. 1527. Applicability of District of Columbia law to certain Amtrak contracts.
Sec. 1528. Railroad preemption clarification.
Subtitle C—Over-The-Road Bus and Trucking Security
Sec. 1531. Over-the-road bus security assessments and plans.
Sec. 1532. Over-the-road bus security assistance.
Sec. 1533. Over-the-road bus exercises.
Sec. 1534. Over-the-road bus security training program.
Sec. 1535. Over-the-road bus security research and development.
Sec. 1536. Motor carrier employee protections.
Sec. 1537. Unified carrier registration system agreement.

Sec. 1538. School bus transportation security.
Sec. 1539. Technical amendment.
Sec. 1540. Truck security assessment.
Sec. 1541. Memorandum of understanding annex.
Sec. 1542. DHS Inspector General report on trucking security grant program.
Subtitle D—Hazardous Material and Pipeline Security
Sec. 1551. Railroad routing of security-sensitive materials.
Sec. 1552. Railroad security-sensitive material tracking.
Sec. 1553. Hazardous materials highway routing.
Sec. 1554. Motor carrier security-sensitive material tracking.
Sec. 1555. Hazardous materials security inspections and study.
Sec. 1556. Technical corrections.
Sec. 1557. Pipeline security inspections and enforcement.
Sec. 1558. Pipeline security and incident recovery plan.
TITLE XVI—AVIATION
Sec. 1601. Airport checkpoint screening fund.
Sec. 1602. Screening of cargo carried aboard passenger aircraft.
Sec. 1603. In-line baggage screening.
Sec. 1604. In-line baggage system deployment.
Sec. 1605. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 1606. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 1607. Strengthening explosives detection at passenger screening checkpoints.
Sec. 1608. Research and development of aviation transportation security technology.
Sec. 1609. Blast-resistant cargo containers.
Sec. 1610. Protection of passenger planes from explosives.
Sec. 1611. Specialized training.
Sec. 1612. Certain TSA personnel limitations not to apply.
Sec. 1613. Pilot project to test different technologies at airport exit lanes.
Sec. 1614. Security credentials for airline crews.
Sec. 1615. Law enforcement officer biometric credential.
Sec. 1616. Repair station security.
Sec. 1617. General aviation security.
Sec. 1618. Extension of authorization of aviation security funding.
TITLE XVII—MARITIME CARGO
Sec. 1701. Container scanning and seals.
TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM
Sec. 1801. Findings.
Sec. 1802. Definitions.
Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism
Sec. 1811. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.
Subtitle B—Proliferation Security Initiative
Sec. 1821. Proliferation Security Initiative improvements and authorities.
Sec. 1822. Authority to provide assistance to cooperative countries.
Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism
Sec. 1831. Statement of policy.
Sec. 1832. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
Sec. 1833. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.
Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism
Sec. 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1842. Sense of Congress on United States-Russia cooperation and coordination on the prevention of weapons of mass destruction proliferation and terrorism.
Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism
Sec. 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1852. Purposes of Commission.
Sec. 1853. Composition of Commission.
Sec. 1854. Responsibilities of Commission.
Sec. 1855. Powers of Commission.
Sec. 1856. Nonapplicability of Federal Advisory Committee Act.
Sec. 1857. Report.
Sec. 1858. Termination.
Sec. 1859. Funding.
TITLE XIX—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES
Sec. 1901. Promoting antiterrorism capabilities through international cooperation.
Sec. 1902. Transparency of funds.
TITLE XX—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION
Sec. 2001. Short title.
Sec. 2002. Definition.
Subtitle A—Quality Educational Opportunities in Predominantly Muslim Countries.
Sec. 2011. Findings; Policy.
Sec. 2012. International Muslim Youth Opportunity Fund.
Sec. 2013. Annual report to Congress.
Sec. 2014. Extension of program to provide grants to American-sponsored schools in predominantly Muslim Countries to provide scholarships.
Subtitle B—Democracy and Development in the Broader Middle East Region
Sec. 2021. Middle East Foundation.
Subtitle C—Reaffirming United States Moral Leadership
Sec. 2031. Advancing United States interests through public diplomacy.
Sec. 2032. Oversight of international broadcasting.
Sec. 2033. Expansion of United States scholarship, exchange, and library programs in predominantly Muslim countries.
Sec. 2034. United States policy toward detainees.
Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia
Sec. 2041. Afghanistan.
Sec. 2042. Pakistan.
Sec. 2043. Saudi Arabia.
TITLE XXI—ADVANCING DEMOCRATIC VALUES
Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Statement of policy.
Sec. 2104. Definitions.
Subtitle A—Activities to Enhance the Promotion of Democracy
Sec. 2111. Democracy Promotion at the Department of State.
Sec. 2112. Democracy Fellowship Program.
Sec. 2113. Investigations of violations of international humanitarian law.
Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy
Sec. 2121. Strategies, priorities, and annual report.
Sec. 2122. Translation of human rights reports.
Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State
Sec. 2131. Advisory Committee on Democracy Promotion.
Sec. 2132. Sense of Congress regarding the Internet website of the Department of State.
Subtitle D—Training in Democracy and Human Rights; Incentives
Sec. 2141. Training in democracy promotion and the protection of human rights.
Sec. 2142. Sense of Congress regarding ADVANCE Democracy Award.
Sec. 2143. Personnel policies at the Department of State.
Subtitle E—Cooperation With Democratic Countries
Sec. 2151. Cooperation with democratic countries.
Subtitle F—Funding for Promotion of Democracy
Sec. 2161. The United Nations Democracy Fund.
Sec. 2162. United States democracy assistance programs.
TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS
Sec. 2201. Interoperable emergency communications.
Sec. 2202. Clarification of congressional intent.
Sec. 2203. Cross border interoperability reports.
Sec. 2204. Extension of short quorum.
Sec. 2205. Requiring reports to be submitted to certain committees.
TITLE XXIII—EMERGENCY COMMUNICATIONS MODERNIZATION
Sec. 2301. Short title.
Sec. 2302. Funding for program.
Sec. 2303. NTIA coordination of E-911 implementation.
TITLE XXIV—MISCELLANEOUS PROVISIONS
Sec. 2401. Quadrennial homeland security review.
Sec. 2402. Sense of the Congress regarding the prevention of radicalization leading to ideologically-based violence.
Sec. 2403. Requiring reports to be submitted to certain committees.
Sec. 2404. Demonstration project.
Sec. 2405. Under Secretary for Management of Department of Homeland Security.

TITLE I—HOMELAND SECURITY GRANTS

SEC. 101. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XX—HOMELAND SECURITY GRANTS

"SEC. 2001. DEFINITIONS.

''In this title, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate.

''(3) CRITICAL INFRASTRUCTURE SECTORS.—The term 'critical infrastructure sectors' means the following sectors, in both urban and rural areas:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) Commercial facilities.

''(E) Commercial nuclear reactors, materials, and waste.

''(F) Dams.

''(G) The defense industrial base.

''(H) Emergency services.

''(I) Energy.

''(J) Government facilities.

''(K) Information technology.

''(L) National monuments and icons.

''(M) Postal and shipping.

''(N) Public health and health care.

''(O) Telecommunications.

''(P) Transportation systems.

''(Q) Water.

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

''(A) any Indian tribe—

''(i) that is located in the continental United States;

''(ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

''(iii)(I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

''(II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2) or has such a system or asset within its territory;

''(III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or

''(IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and

''(iv) that certifies to the Secretary that a State has not provided funds under section 2003 or 2004 to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and

''(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

''(5) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means any of the 100 most populous metropolitan statistical areas in the United States.

''(6) HIGH-RISK URBAN AREA.—The term 'high-risk urban area' means a high-risk urban area designated under section 2003(b)(3)(A).

''(7) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

''(8) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

''(9) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

''(10) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(11) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

''(12) QUALIFIED INTELLIGENCE ANALYST.—The term 'qualified intelligence analyst' means an intelligence analyst (as that term is defined in section 210A(j)), including law enforcement personnel—

''(A) who has successfully completed training to ensure baseline proficiency in intelligence analysis and production, as determined by the Secretary, which may include training using a curriculum developed under section 209; or

''(B) whose experience ensures baseline proficiency in intelligence analysis and production equivalent to the training required under subparagraph (A), as determined by the Secretary.

''(13) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

''(14) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"Subtitle A—Grants to States and High-Risk Urban Areas

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003 and 2004 to State, local, and tribal governments.

''(b) PROGRAMS NOT AFFECTED.—This subtitle shall not be construed to affect any of the following Federal programs:

''(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

''(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

''(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized under title XIV, XV, and XVI of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the amendments made by such titles.

''(5) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(6) The Interoperable Emergency Communications Grant Program authorized under title XVIII.

''(7) Grant programs other than those administered by the Department.

''(c) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The grant programs authorized under sections 2003 and 2004 shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

''(2) ALLOCATION.—The allocation of grants authorized under section 2003 or 2004 shall be governed by the terms of this subtitle and not by any other provision of law.

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

''(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, protecting against, and responding to acts of terrorism.

''(b) ASSESSMENT AND DESIGNATION OF HIGH-RISK URBAN AREAS.—

''(1) IN GENERAL.—The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

''(2) INITIAL ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

''(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 2007(a)(1); and

''(ii) information and materials submitted under subparagraph (B).

''(B) SUBMISSION OF INFORMATION BY ELIGIBLE METROPOLITAN AREAS.—Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

''(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

''(ii) review the risk assessment conducted by the Department of that eligible metropolitan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

''(3) DESIGNATION OF HIGH-RISK URBAN AREAS.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

''(ii) ADDITIONAL AREAS.—Notwithstanding paragraph (2), the Administrator may—

''(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

''(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to—

''(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

''(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

''(B) JURISDICTIONS INCLUDED IN HIGH-RISK URBAN AREAS.—

''(i) IN GENERAL.—In designating high-risk urban areas under subparagraph (A), the Administrator shall determine which jurisdictions, at a minimum, shall be included in each high-risk urban area.

''(ii) ADDITIONAL JURISDICTIONS.—A high-risk urban area designated by the Administrator may, in consultation with the State or States in which such high-risk urban area is located, add additional jurisdictions to the high-risk urban area.

''(c) APPLICATION.—

''(1) IN GENERAL.—An area designated as a high-risk urban area under subsection (b) may apply for a grant under this section.

''(2) MINIMUM CONTENTS OF APPLICATION.—In an application for a grant under this section, a high-risk urban area shall submit—

''(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the high-risk urban area;

''(B) the name of an individual to serve as a high-risk urban area liaison with the Department and among the various jurisdictions in the high-risk urban area; and

''(C) such information in support of the application as the Administrator may reasonably require.

''(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

''(4) STATE REVIEW AND TRANSMISSION.—

''(A) IN GENERAL.—To ensure consistency with State homeland security plans, a high-risk urban area applying for a grant under this section shall submit its application to each State within which any part of that high-risk urban area is located for review before submission of such application to the Department.

''(B) DEADLINE.—Not later than 30 days after receiving an application from a high-risk urban area under subparagraph (A), a State shall transmit the application to the Department.

''(C) OPPORTUNITY FOR STATE COMMENT.—If the Governor of a State determines that an application of a high-risk urban area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(i) notify the Administrator, in writing, of that fact; and

''(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(5) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(d) DISTRIBUTION OF AWARDS.—

''(1) IN GENERAL.—If the Administrator approves the application of a high-risk urban area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

''(2) STATE DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

''(B) FUNDS RETAINED.—A State shall provide each relevant high-risk urban area with an accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

''(3) INTERSTATE URBAN AREAS.—If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

''(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

''(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

''(4) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO HIGH-RISK URBAN AREAS.—A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $850,000,000 for fiscal year 2008;

''(2) $950,000,000 for fiscal year 2009;

''(3) $1,050,000,000 for fiscal year 2010;

''(4) $1,150,000,000 for fiscal year 2011;

''(5) $1,300,000,000 for fiscal year 2012; and

''(6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

"SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS OF APPLICATION.—The Administrator shall require that each State include in its application, at a minimum—

''(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

''(B) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

''(C) a budget showing how the State intends to expend the grant funds.

''(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

''(c) DISTRIBUTION TO LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

''(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

''(3) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

''(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

''(5) DIRECT FUNDING.—If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

''(d) MULTISTATE APPLICATIONS.—

''(1) IN GENERAL.—Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

''(2) ADMINISTRATION OF GRANT.—If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

''(A) the division of responsibilities for administering the grant; and

''(B) the distribution of funding among the States that are parties to the application.

''(e) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that—

''(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

''(i) 0.375 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2008;

''(ii) 0.365 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2009;

''(iii) 0.36 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2010;

''(iv) 0.355 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2011; and

''(v) 0.35 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2012 and in each fiscal year thereafter; and

''(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 2003.

''(2) EFFECT OF MULTISTATE AWARD ON STATE MINIMUM.—Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $950,000,000 for each of fiscal years 2008 through 2012; and

''(2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

"SEC. 2005. GRANTS TO DIRECTLY ELIGIBLE TRIBES.

''(a) IN GENERAL.—Notwithstanding section 2004(b), the Administrator may award grants to directly eligible tribes under section 2004.

''(b) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under section 2004 by submitting an application to the Administrator that includes, as appropriate, the information required for an application by a State under section 2004(b).

''(c) CONSISTENCY WITH STATE PLANS.—

''(1) IN GENERAL.—To ensure consistency with any applicable State homeland security plan, a directly eligible tribe applying for a grant under section 2004 shall provide a copy of its application to each State within which any part of the tribe is located for review before the tribe submits such application to the Department.

''(2) OPPORTUNITY FOR COMMENT.—If the Governor of a State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, not later than 30 days after the date of receipt of that application the Governor shall—

''(A) notify the Administrator, in writing, of that fact; and

''(B) provide an explanation of the reason for not supporting the application.

''(d) FINAL AUTHORITY.—The Administrator shall have final authority to approve any application of a directly eligible tribe. The Administrator shall notify each State within the boundaries of which any part of a directly eligible tribe is located of the approval of an application by the tribe.

''(e) PRIORITIZATION.—The Administrator shall allocate funds to directly eligible tribes in accordance with the factors applicable to allocating funds among States under section 2007.

''(f) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the tribe and not through any State.

''(g) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that, for each fiscal year, directly eligible tribes collectively receive, from the funds appropriated for the State Homeland Security Grant Program established under section 2004, not less than an

amount equal to 0.1 percent of the total funds appropriated for grants under sections 2003 and 2004.

''(2) EXCEPTION.—This subsection shall not apply in any fiscal year in which the Administrator—

''(A) receives fewer than 5 applications under this section; or

''(B) does not approve at least 2 applications under this section.

''(h) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under section 2004 shall designate an individual to serve as a tribal liaison with the Department and other Federal, State, local, and regional government officials concerning preventing, preparing for, protecting against, and responding to acts of terrorism.

''(i) ELIGIBILITY FOR OTHER FUNDS.—A directly eligible tribe that receives a grant under section 2004 may receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located and from any high-risk urban area of which it is a part, consistent with the homeland security plan of the State or high-risk urban area.

''(j) STATE OBLIGATIONS.—

''(1) IN GENERAL.—States shall be responsible for allocating grant funds received under section 2004 to tribal governments in order to help those tribal communities achieve target capabilities not achieved through grants to directly eligible tribes.

''(2) DISTRIBUTION OF GRANT FUNDS.—With respect to a grant to a State under section 2004, an Indian tribe shall be eligible for funding directly from that State, and shall not be required to seek funding from any local government.

''(3) IMPOSITION OF REQUIREMENTS.—A State may not impose unreasonable or unduly burdensome requirements on an Indian tribe as a condition of providing the Indian tribe with grant funds or resources under section 2004.

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this subtitle.

"SEC. 2006. TERRORISM PREVENTION.

''(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

''(1) IN GENERAL.—The Administrator shall ensure that not less than 25 percent of the total combined funds appropriated for grants under sections 2003 and 2004 is used for law enforcement terrorism prevention activities.

''(2) LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES.—Law enforcement terrorism prevention activities include—

''(A) information sharing and analysis;

''(B) target hardening;

''(C) threat recognition;

''(D) terrorist interdiction;

''(E) overtime expenses consistent with a State homeland security plan, including for the provision of enhanced law enforcement operations in support of Federal agencies, including for increased border security and border crossing enforcement;

''(F) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

''(G) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

''(H) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

''(I) any other terrorism prevention activity authorized by the Administrator.

''(3) PARTICIPATION OF UNDERREPRESENTED COMMUNITIES IN FUSION CENTERS.—The Administrator shall ensure that grant funds described in paragraph (1) are used to support the participation, as appropriate, of law enforcement and other emergency response providers from rural and other underrepresented communities at risk from acts of terrorism in fusion centers.

''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

''(1) ESTABLISHMENT.—There is established in the Policy Directorate of the Department an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

''(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other counterterrorism functions.

''(3) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign to the Office for State and Local Law Enforcement permanent staff and, as appropriate and consistent with sections 506(c)(2), 821, and 888(d), other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

''(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

''(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) coordinate with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(D) work with the Administrator to ensure that law enforcement and terrorism-focused grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities;

''(E) coordinate with the Science and Technology Directorate, the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers; and

''(F) conduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and report on the results of that study to the appropriate committees of Congress.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to diminish, supercede, or replace the responsibilities, authorities, or role of the Administrator.

"SEC. 2007. PRIORITIZATION.

''(a) IN GENERAL.—In allocating funds among States and high-risk urban areas applying for grants under section 2003 or 2004, the Administrator shall consider, for each State or high-risk urban area—

''(1) its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of—

''(A) its population, including appropriate consideration of military, tourist, and commuter populations;

''(B) its population density;

''(C) its history of threats, including whether it has been the target of a prior act of terrorism;

''(D) its degree of threat, vulnerability, and consequences related to critical infrastructure (for all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security plan, including threats, vulnerabilities, and consequences related to critical infrastructure or key resources in nearby jurisdictions;

''(E) the most current threat assessments available to the Department;

''(F) whether the State has, or the high-risk urban area is located at or near, an international border;

''(G) whether it has a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

''(H) its likely need to respond to acts of terrorism occurring in nearby jurisdictions;

''(I) the extent to which it has unmet target capabilities;

''(J) in the case of a high-risk urban area, the extent to which that high-risk urban area includes—

''(i) those incorporated municipalities, counties, parishes, and Indian tribes within the relevant eligible metropolitan area, the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, and respond to acts of terrorism; and

''(ii) other local and tribal governments in the surrounding area that are likely to be called upon to respond to acts of terrorism within the high-risk urban area; and

''(K) such other factors as are specified in writing by the Administrator; and

''(2) the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area in increasing the ability of that State or high-risk urban area to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the high-risk urban area, the State, or the Nation.

''(b) TYPES OF THREAT.—In assessing threat under this section, the Administrator shall consider the following types of threat to critical infrastructure sectors and to populations in all areas of the United States, urban and rural:

''(1) Biological.

''(2) Chemical.

''(3) Cyber.

''(4) Explosives.

''(5) Incendiary.

''(6) Nuclear.

''(7) Radiological.

''(8) Suicide bombers.

''(9) Such other types of threat determined relevant by the Administrator.

"SEC. 2008. USE OF FUNDS.

''(a) PERMITTED USES.—Grants awarded under section 2003 or 2004 may be used to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—

''(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

''(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

''(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

''(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

''(5) ensuring operability and achieving interoperability of emergency communications;

''(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

''(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

''(8) enhancing school preparedness;

''(9) supporting public safety answering points;

''(10) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

''(11) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

''(13) any other appropriate activity, as determined by the Administrator.

''(b) LIMITATIONS ON USE OF FUNDS.—

''(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

''(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

''(B) for any State or local government cost-sharing contribution.

''(2) PERSONNEL.—

''(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

''(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

''(3) CONSTRUCTION.—

''(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

''(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

''(I) specifically approved by the Administrator;

''(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

''(III) the amount allocated for purposes under clause (i) does not exceed the greater of $1,000,000 or 15 percent of the grant award.

''(4) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

''(d) REIMBURSEMENT OF COSTS.—

''(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

''(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

''(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"Subtitle B—Grants Administration

"SEC. 2021. ADMINISTRATION AND COORDINATION.

''(a) REGIONAL COORDINATION.—The Administrator shall ensure that—

''(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

''(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

''(b) PLANNING COMMITTEES.—

''(1) IN GENERAL.—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities for grants under sections 2003 and 2004.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

''(i) local and tribal government officials; and

''(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

''(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

''(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or high-risk urban area create a planning committee if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

''(c) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary (acting through the Administrator), the Attorney General, the Secretary of Health and Human Services, and the heads of other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, shall jointly—

''(A) compile a comprehensive list of Federal grant programs for State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters;

''(B) compile the planning, reporting, application, and other requirements and guidance for the grant programs described in subparagraph (A);

''(C) develop recommendations, as appropriate, to—

''(i) eliminate redundant and duplicative requirements for State, local, and tribal governments, including onerous application and ongoing reporting requirements;

''(ii) ensure accountability of the programs to the intended purposes of such programs;

''(iii) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients;

''(iv) make the programs more accessible and user friendly to applicants; and

''(v) ensure the programs are coordinated to enhance the overall preparedness of the Nation;

''(D) submit the information and recommendations under subparagraphs (A), (B), and (C) to the appropriate committees of Congress; and

''(E) provide the appropriate committees of Congress, the Comptroller General, and any officer or employee of the Government Accountability Office with full access to any information collected or reviewed in preparing the submission under subparagraph (D).

''(2) SCOPE OF TASK.—Nothing in this subsection shall authorize the elimination, or the alteration of the purposes, as delineated by statute, regulation, or guidance, of any grant program that exists on the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, nor authorize the review or preparation of proposals on the elimination, or the alteration of such purposes, of any such grant program.

''(d) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare

for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

''(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;

''(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

''(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

"SEC. 2022. ACCOUNTABILITY.

''(a) AUDITS OF GRANT PROGRAMS.—

''(1) COMPLIANCE REQUIREMENTS.—

''(A) AUDIT REQUIREMENT.—Each recipient of a grant administered by the Department that expends not less than $500,000 in Federal funds during its fiscal year shall submit to the Administrator a copy of the organization-wide financial and compliance audit report required under chapter 75 of title 31, United States Code.

''(B) ACCESS TO INFORMATION.—The Department and each recipient of a grant administered by the Department shall provide the Comptroller General and any officer or employee of the Government Accountability Office with full access to information regarding the activities carried out related to any grant administered by the Department.

''(C) IMPROPER PAYMENTS.—Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), for each of the grant programs under sections 2003 and 2004 of this title and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762), the Administrator shall specify policies and procedures for—

''(i) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

''(ii) reporting any improper payments to the Department.

''(2) AGENCY PROGRAM REVIEW.—

''(A) IN GENERAL.—Not less than once every 2 years, the Administrator shall conduct, for each State and high-risk urban area receiving a grant administered by the Department, a programmatic and financial review of all grants awarded by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

''(B) CONTENTS.—Each review under subparagraph (A) shall, at a minimum, examine—

''(i) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans or other applicable plans; and

''(ii) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters.

''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Administrator, there are authorized to be appropriated to the Administrator for reviews under this paragraph—

''(i) $8,000,000 for each of fiscal years 2008, 2009, and 2010; and

''(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

''(3) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

''(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered by the Department, the Inspector General of the Department each year shall conduct audits of a sample of States and high-risk urban areas that receive grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).

''(B) DETERMINING SAMPLES.—The sample selected for audits under subparagraph (A) shall be—

''(i) of an appropriate size to—

''(I) assess the overall integrity of the grant programs described in subparagraph (A); and

''(II) act as a deterrent to financial mismanagement; and

''(ii) selected based on—

''(I) the size of the grants awarded to the recipient;

''(II) the past grant management performance of the recipient;

''(III) concerns identified by the Administrator, including referrals from the Administrator; and

''(IV) such other factors as determined by the Inspector General of the Department.

''(C) COMPREHENSIVE AUDITING.—During the 7-year period beginning on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct not fewer than 1 audit of each State that receives funds under a grant under section 2003 or 2004.

''(D) REPORT BY THE INSPECTOR GENERAL.—

''(i) IN GENERAL.—The Inspector General of the Department shall submit to the appropriate committees of Congress an annual consolidated report regarding the audits completed during the fiscal year before the date of that report.

''(ii) CONTENTS.—Each report submitted under clause (i) shall describe, for the fiscal year before the date of that report—

''(I) the audits conducted under subparagraph (A);

''(II) the findings of the Inspector General with respect to the audits conducted under subparagraph (A);

''(III) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans and other applicable plans; and

''(IV) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism and other man-made disasters.

''(iii) DEADLINE.—For each year, the report required under clause (i) shall be submitted not later than December 31.

''(E) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit conducted under subparagraph (A) available on the website of the Inspector General, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.

''(F) PROVISION OF INFORMATION TO ADMINISTRATOR.—The Inspector General of the Department shall provide to the Administrator any findings and recommendations from audits conducted under subparagraph (A).

''(G) EVALUATION OF GRANTS MANAGEMENT AND OVERSIGHT.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall review and evaluate the grants management and oversight practices of the Federal Emergency Management Agency, including assessment of and recommendations relating to—

''(i) the skills, resources, and capabilities of the workforce; and

''(ii) any additional resources and staff necessary to carry out such management and oversight.

''(H) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Inspector General of the Department, there are authorized to be appropriated to the Inspector General of the Department for audits under subparagraph (A)—

''(i) $8,500,000 for each of fiscal years 2008, 2009, and 2010; and

''(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.

''(4) PERFORMANCE ASSESSMENT.—In order to ensure that States and high-risk urban areas are using grants administered by the Department appropriately to meet target capabilities and preparedness priorities, the Administrator shall—

''(A) ensure that any such State or high-risk urban area conducts or participates in exercises under section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b));

''(B) use performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749) and ensure that any such State or high-risk urban area regularly tests its progress against such metrics through the exercises required under subparagraph (A);

''(C) use the remedial action management program under section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750); and

''(D) ensure that each State receiving a grant administered by the Department submits a report to the Administrator on its level of preparedness, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).

''(5) CONSIDERATION OF ASSESSMENTS.—In conducting program reviews and performance audits under paragraphs (2) and (3), the Administrator and the Inspector General of the Department shall take into account the performance assessment elements required under paragraph (4).

''(6) RECOVERY AUDITS.—The Administrator shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of not less than $1,000,000, if the Administrator finds that—

''(A) a financial audit has identified improper payments that can be recouped; and

''(B) it is cost effective to conduct a recovery audit to recapture the targeted funds.

''(7) REMEDIES FOR NONCOMPLIANCE.—

''(A) IN GENERAL.—If, as a result of a review or audit under this subsection or otherwise, the Administrator finds that a recipient of a grant under this title has failed to substantially comply with any provision of law or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

''(i) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not properly expended by the recipient;

''(ii) limit the use of grant funds to programs, projects, or activities not affected by the failure to comply;

''(iii) refer the matter to the Inspector General of the Department for further investigation;

''(iv) terminate any payment of grant funds to be made to the recipient; or

''(v) take such other action as the Administrator determines appropriate.

''(B) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under subparagraph (A) until such time as the Administrator determines that the grant recipient is in full compliance with the law and with applicable guidelines or regulations of the Department.

''(b) REPORTS BY GRANT RECIPIENTS.—

''(1) QUARTERLY REPORTS ON HOMELAND SECURITY SPENDING.—

''(A) IN GENERAL.—As a condition of receiving a grant under section 2003 or 2004, a State, high-risk urban area, or directly eligible tribe shall, not later than 30 days after the end of each Federal fiscal quarter, submit to the Administrator a report on activities performed using grant funds during that fiscal quarter.

''(B) CONTENTS.—Each report submitted under subparagraph (A) shall at a minimum include, for the applicable State, high-risk urban area, or directly eligible tribe, and each subgrantee thereof—

''(i) the amount obligated to that recipient under section 2003 or 2004 in that quarter;

''(ii) the amount of funds received and expended under section 2003 or 2004 by that recipient in that quarter; and

''(iii) a summary description of expenditures made by that recipient using such funds, and the purposes for which such expenditures were made.

''(C) END-OF-YEAR REPORT.—The report submitted under subparagraph (A) by a State, high-risk urban area, or directly eligible tribe relating to the last quarter of any fiscal year shall include—

''(i) the amount and date of receipt of all funds received under the grant during that fiscal year;

''(ii) the identity of, and amount provided to, any subgrantee for that grant during that fiscal year;

''(iii) the amount and the dates of disbursements of all such funds expended in compliance with section 2021(a)(1) or under mutual aid agreements or other sharing arrangements that apply within the State, high-risk urban area, or directly eligible tribe, as applicable, during that fiscal year; and

''(iv) how the funds were used by each recipient or subgrantee during that fiscal year.

''(2) ANNUAL REPORT.—Any State applying for a grant under section 2004 shall submit to the Administrator annually a State preparedness report, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).

''(c) REPORTS BY THE ADMINISTRATOR.—

''(1) FEDERAL PREPAREDNESS REPORT.—The Administrator shall submit to the appropriate committees of Congress annually the Federal Preparedness Report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)).

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the appropriate committees of Congress a detailed and comprehensive explanation of the methodologies used to calculate risk and compute the allocation of funds for grants administered by the Department, including—

''(i) all variables included in the risk assessment and the weights assigned to each such variable;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodologies from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

''(i) October 31; or

''(ii) 30 days before the issuance of any program guidance for grants administered by the Department.

''(3) TRIBAL FUNDING REPORT.—At the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report setting forth the amount of funding provided during that fiscal year to Indian tribes under any grant program administered by the Department, whether provided directly or through a subgrant from a State or high-risk urban area.''.

SEC. 102. OTHER AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) NATIONAL ADVISORY COUNCIL.—Section 508(b) of the Homeland Security Act of 2002 (6 U.S.C. 318(b)) is amended—

(1) by striking ''The National Advisory'' the first place that term appears and inserting the following:

''(1) IN GENERAL.—The National Advisory''; and

(2) by adding at the end the following:

''(2) CONSULTATION ON GRANTS.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.''.

(b) EVACUATION PLANNING.—Section 512(b)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 321a(b)(5)(A)) is amended by inserting '', including the elderly'' after ''needs''.

SEC. 103. AMENDMENTS TO THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

(a) FUNDING EFFICACY.—Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) an evaluation of the extent to which grants administered by the Department, including grants under title XX of the Homeland Security Act of 2002—

''(i) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

''(ii) have led to the reduction of risk from natural disasters, acts of terrorism, or other man-made disasters nationally and in State, local, and tribal jurisdictions.''.

(b) STATE PREPAREDNESS REPORT.—Section 652(c)(2)(D) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)(2)(D)) is amended by striking ''an assessment of resource needs'' and inserting ''a discussion of the extent to which target capabilities identified in the applicable State homeland security plan and other applicable plans remain unmet and an assessment of resources needed''.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking ''section 1802'' and inserting ''section 1902'';

(4) in section 1906, as so redesignated, by striking ''section 1802(a)'' each place that term appears and inserting ''section 1902(a)''; and

(5) in the table of contents in section 1(b), by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.

''Subtitle A—Grants to States and High-Risk Urban Areas

''Sec. 2002. Homeland Security Grant Programs.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Grants to directly eligible tribes.
''Sec. 2006. Terrorism prevention.
''Sec. 2007. Prioritization.
''Sec. 2008. Use of funds.

''Subtitle B—Grants Administration

''Sec. 2021. Administration and coordination.
''Sec. 2022. Accountability.''.

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

SEC. 201. EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.

Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended to read as follows:

''SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'program' means the emergency management performance grants program described in subsection (b); and

''(2) the term 'State' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

''(b) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program, to make grants to States to assist State, local, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(c) FEDERAL SHARE.—Except as otherwise specifically provided by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal share of the cost of an activity carried out using funds made available under the program shall not exceed 50 percent.

''(d) APPORTIONMENT.—For fiscal year 2008, and each fiscal year thereafter, the Administrator shall apportion the amounts appropriated to carry out the program among the States as follows:

''(1) BASELINE AMOUNT.—The Administrator shall first apportion 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and 0.75 percent of such amounts to each of the remaining States.

''(2) REMAINDER.—The Administrator shall apportion the remainder of such amounts in the ratio that—

''(A) the population of each State; bears to

''(B) the population of all States.

''(e) CONSISTENCY IN ALLOCATION.—Notwithstanding subsection (d), in any fiscal year before fiscal year 2013 in which the appropriation for grants under this section is equal to or greater than the appropriation for emergency management performance grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program—

''(1) for fiscal year 2008, $400,000,000;

''(2) for fiscal year 2009, $535,000,000;
''(3) for fiscal year 2010, $680,000,000;
''(4) for fiscal year 2011, $815,000,000; and
''(5) for fiscal year 2012, $950,000,000.''.

SEC. 202. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended to read as follows:

''SEC. 614. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

''(a) GRANTS.—The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.

''(b) FEDERAL SHARE.—Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.''.

TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

SEC. 301. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:

''SEC. 1809. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Interoperable Emergency Communications Grant Program to make grants to States to carry out initiatives to improve local, tribal, statewide, regional, national and, where appropriate, international interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters.

''(b) POLICY.—The Director for Emergency Communications shall ensure that a grant awarded to a State under this section is consistent with the policies established pursuant to the responsibilities and authorities of the Office of Emergency Communications under this title, including ensuring that activities funded by the grant—

''(1) comply with the statewide plan for that State required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

''(2) comply with the National Emergency Communications Plan under section 1802, when completed.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall administer the Interoperable Emergency Communications Grant Program pursuant to the responsibilities and authorities of the Administrator under title V of the Act.

''(2) GUIDANCE.—In administering the grant program, the Administrator shall ensure that the use of grants is consistent with guidance established by the Director of Emergency Communications pursuant to section 7303(a)(1)(H) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(H)).

''(d) USE OF FUNDS.—A State that receives a grant under this section shall use the grant to implement that State's Statewide Interoperability Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and approved under subsection (e), and to assist with activities determined by the Secretary to be integral to interoperable emergency communications.

''(e) APPROVAL OF PLANS.—

''(1) APPROVAL AS CONDITION OF GRANT.—Before a State may receive a grant under this section, the Director of Emergency Communications shall approve the State's Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(2) PLAN REQUIREMENTS.—In approving a plan under this subsection, the Director of Emergency Communications shall ensure that the plan—

''(A) is designed to improve interoperability at the city, county, regional, State and interstate level;

''(B) considers any applicable local or regional plan; and

''(C) complies, to the maximum extent practicable, with the National Emergency Communications Plan under section 1802.

''(3) APPROVAL OF REVISIONS.—The Director of Emergency Communications may approve revisions to a State's plan if the Director determines that doing so is likely to further interoperability.

''(f) LIMITATIONS ON USES OF FUNDS.—

''(1) IN GENERAL.—The recipient of a grant under this section may not use the grant—

''(A) to supplant State or local funds;

''(B) for any State or local government cost-sharing contribution; or

''(C) for recreational or social purposes.

''(2) PENALTIES.—In addition to other remedies currently available, the Secretary may take such actions as necessary to ensure that recipients of grant funds are using the funds for the purpose for which they were intended.

''(g) LIMITATIONS ON AWARD OF GRANTS.—

''(1) NATIONAL EMERGENCY COMMUNICATIONS PLAN REQUIRED.—The Secretary may not award a grant under this section before the date on which the Secretary completes and submits to Congress the National Emergency Communications Plan required under section 1802.

''(2) VOLUNTARY CONSENSUS STANDARDS.—The Secretary may not award a grant to a State under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, unless the State demonstrates that there are compelling reasons for such purchase.

''(h) AWARD OF GRANTS.—In approving applications and awarding grants under this section, the Secretary shall consider—

''(1) the risk posed to each State by natural disasters, acts of terrorism, or other manmade disasters, including—

''(A) the likely need of a jurisdiction within the State to respond to such risk in nearby jurisdictions;

''(B) the degree of threat, vulnerability, and consequences related to critical infrastructure (from all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security and emergency management plans, including threats to, vulnerabilities of, and consequences from damage to critical infrastructure and key resources in nearby jurisdictions;

''(C) the size of the population and density of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(D) whether the State is on or near an international border;

''(E) whether the State encompasses an economically significant border crossing; and

''(F) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters, and

''(2) the anticipated effectiveness of the State's proposed use of grant funds to improve interoperability.

''(i) OPPORTUNITY TO AMEND APPLICATIONS.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(j) MINIMUM GRANT AMOUNTS.—

''(1) STATES.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, except as provided in paragraph (2), no State receives a grant in an amount that is less than the following percentage of the total amount appropriated for grants under this section for that fiscal year:

''(A) For fiscal year 2008, 0.50 percent.
''(B) For fiscal year 2009, 0.50 percent.
''(C) For fiscal year 2010, 0.45 percent.
''(D) For fiscal year 2011, 0.40 percent.
''(E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

''(2) TERRITORIES AND POSSESSIONS.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive grants in amounts that are not less than 0.08 percent of the total amount appropriated for grants under this section for that fiscal year.

''(k) CERTIFICATION.—Each State that receives a grant under this section shall certify that the grant is used for the purpose for which the funds were intended and in compliance with the State's approved Statewide Interoperable Communications Plan.

''(l) STATE RESPONSIBILITIES.—

''(1) AVAILABILITY OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall obligate or otherwise make available to local and tribal governments—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant; or

''(C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

''(2) ALLOCATION OF FUNDS.—A State that receives a grant under this section shall allocate grant funds to tribal governments in the State to assist tribal communities in improving interoperable communications, in a manner consistent with the Statewide Interoperable Communications Plan. A State may not impose unreasonable or unduly burdensome requirements on a tribal government as a condition of providing grant funds or resources to the tribal government.

''(3) PENALTIES.—If a State violates the requirements of this subsection, in addition to other remedies available to the Secretary, the Secretary may terminate or reduce the amount of the grant awarded to that State or transfer grant funds previously awarded to the State directly to the appropriate local or tribal government.

''(m) REPORTS.—

''(1) ANNUAL REPORTS BY STATE GRANT RECIPIENTS.—A State that receives a grant under this section shall annually submit to the Director of Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and achieving interoperability at the city, county, regional, State, and interstate levels. The Director shall make the reports publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

''(2) ANNUAL REPORTS TO CONGRESS.—At least once each year, the Director of Emergency Communications shall submit to Congress a report on the use of grants awarded under this section and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, State, and interstate level, as a result of the award of such grants.

''(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude a State from using a grant awarded under

this section for interim or long-term Internet Protocol-based interoperable solutions.

''(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2008, such sums as may be necessary;

''(2) for each of fiscal years 2009 through 2012, $400,000,000; and

''(3) for each subsequent fiscal year, such sums as may be necessary.''.

(b) CLERICAL AMENDMENT.— The table of contents in section l(b) of such Act is amended by inserting after the item relating to section 1808 the following:

''Sec. 1809. Interoperable Emergency Communications Grant Program.''.

(c) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) include information on the governance structure used to develop the plan, including such information about all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

''(7) describe the method by which multi-jurisdictional, multidisciplinary input is provided from all regions of the jurisdiction, including any high-threat urban areas located in the jurisdiction, and the process for continuing to incorporate such input.'';

(2) in subsection (g)(1), by striking ''or video'' and inserting ''and video''.

(d) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, and emergency response providers expect to achieve a baseline level of national interoperable communications, as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).''.

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:

''SEC. 1810. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Emergency Communications (referred to in this section as the 'Director'), and in coordination with the Federal Communications Commission and the Secretary of Commerce, shall establish an International Border Community Interoperable Communications Demonstration Project (referred to in this section as the 'demonstration project').

''(2) MINIMUM NUMBER OF COMMUNITIES.—The Director shall select no fewer than 6 communities to participate in a demonstration project.

''(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

''(b) CONDITIONS.—The Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall ensure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.

''(c) PROGRAM REQUIREMENTS.—Consistent with the responsibilities of the Office of Emergency Communications under section 1801, the Director shall foster local, tribal, State, and Federal interoperable emergency communications, as well as interoperable emergency communications with appropriate Canadian and Mexican authorities in the communities selected for the demonstration project. The Director shall—

''(1) identify solutions to facilitate interoperable communications across national borders expeditiously;

''(2) help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters;

''(3) provide technical assistance to enable emergency response providers to deal with threats and contingencies in a variety of environments;

''(4) identify appropriate joint-use equipment to ensure communications access;

''(5) identify solutions to facilitate communications between emergency response providers in communities of differing population densities; and

''(6) take other actions or provide equipment as the Director deems appropriate to foster interoperable emergency communications.

''(d) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

''(2) OTHER PARTICIPANTS.—A State shall make the funds available promptly to the local and tribal governments and emergency response providers selected by the Secretary to participate in the demonstration project.

''(3) REPORT.—Not later than 90 days after a State receives funds under this subsection the State shall report to the Director on the status of the distribution of such funds to local and tribal governments.

''(e) MAXIMUM PERIOD OF GRANTS.—The Director may not fund any participant under the demonstration project for more than 3 years.

''(f) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Director shall establish mechanisms to ensure that the information and knowledge gained by participants in the demonstration project are transferred among the participants and to other interested parties, including other communities that submitted applications to the participant in the project.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section such sums as may be necessary.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 1809 the following:

''Sec. 1810. Border interoperability demonstration project.''.

TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM

SEC. 401. DEFINITIONS.

(a) IN GENERAL.—Section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(3) by inserting after paragraph (3) the following:

''(4) the terms 'credentialed' and 'credentialing' mean having provided, or providing, respectively, documentation that identifies personnel and authenticates and verifies the qualifications of such personnel by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for a particular position in accordance with standards created under section 510;'';

(4) by inserting after paragraph (10), as so redesignated, the following:

''(11) the term 'resources' means personnel and major items of equipment, supplies, and facilities available or potentially available for responding to a natural disaster, act of terrorism, or other man-made disaster;'';

(5) in paragraph (12), as so redesignated, by striking ''and'' at the end;

(6) in paragraph (13), as so redesignated, by striking the period at the end and inserting ''; and''; and

(7) by adding at the end the following:

''(14) the terms 'typed' and 'typing' mean having evaluated, or evaluating, respectively, a resource in accordance with standards created under section 510.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741) is amended—

(1) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(2) by inserting after paragraph (1) the following:

''(2) CREDENTIALED; CREDENTIALING.—The terms 'credentialed' and 'credentialing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''; and

(3) by adding at the end the following:

''(12) RESOURCES.—The term 'resources' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).

''(13) TYPE.—The term 'type' means a classification of resources that refers to the capability of a resource.

''(14) TYPED; TYPING.—The terms 'typed' and 'typing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''.

SEC. 402. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(A)) is amended by striking clauses (iv) and (v) and inserting the following:

''(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;

''(v) designed to address the unique requirements of populations with special needs, including the elderly; and

''(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and''.

SEC. 403. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(B)) is amended by striking ''shall provide'' and all that follows through ''of exercises'' and inserting the following: ''shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally)''.

SEC. 404. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H) by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, and other manmade disasters;

''(J) assisting State, local, and tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system may quickly be established and operated from, if the need for such a system arises; and''.

SEC. 405. FEDERAL RESPONSE CAPABILITY INVENTORY.

Section 651 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 751) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The inventory'' and inserting ''For each Federal agency with responsibilities under the National Response Plan, the inventory'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) by redesignating paragraph (2) as paragraph (4); and

(D) by inserting after paragraph (1) the following:

''(2) a list of personnel credentialed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);

''(3) a list of resources typed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320); and''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''capabilities, readiness'' and all that follows and inserting the following: ''—

''(A) capabilities;

''(B) readiness;

''(C) the compatibility of equipment;

''(D) credentialed personnel; and

''(E) typed resources;'';

(B) in paragraph (2), by inserting ''of capabilities, credentialed personnel, and typed resources'' after ''rapid deployment''; and

(C) in paragraph (3), by striking ''inventories'' and inserting ''the inventory described in subsection (a)''.

SEC. 406. REPORTING REQUIREMENTS.

Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)), as amended by section 103, is further amended—

(1) in subparagraph (C), by striking ''section 651(a);'' and inserting ''section 651, including the number and type of credentialed personnel in each category of personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster;'';

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) a discussion of whether the list of credentialed personnel of the Agency described in section 651(b)(2)—

''(i) complies with the strategic human capital plan developed under section 10102 of title 5, United States Code; and

''(ii) is sufficient to respond to a natural disaster, act of terrorism, or other man-made disaster, including a catastrophic incident.''.

SEC. 407. FEDERAL PREPAREDNESS.

Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''coordinating, primary, or supporting'';

(B) in paragraph (2), by inserting '', including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320)'' before the semicolon at the end;

(C) in paragraph (3), by striking ''and'' at the end;

(D) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.''; and

(2) in subsection (d)—

(A) by inserting ''to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives'' after ''The President shall certify''; and

(B) by striking ''coordinating, primary, or supporting''.

SEC. 408. CREDENTIALING AND TYPING.

Section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(a) IN GENERAL.—The Administrator'';

(2) in subsection (a), as so designated, by striking ''credentialing of personnel and typing of'' and inserting ''for credentialing and typing of incident management personnel, emergency response providers, and other personnel (including temporary personnel) and''; and

(3) by adding at the end the following:

''(b) DISTRIBUTION.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to—

''(A) each Federal agency that has responsibilities under the National Response Plan to aid that agency with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster; and

''(B) State, local, and tribal governments, to aid such governments with credentialing and typing of State, local, and tribal incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(2) ASSISTANCE.—The Administrator shall provide expertise and technical assistance to aid Federal, State, local, and tribal government agencies with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

''(c) CREDENTIALING AND TYPING OF PERSONNEL.—Not later than 6 months after receiving the standards provided under subsection (b), each Federal agency with responsibilities under the National Response Plan shall ensure that incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other manmade disaster are credentialed and typed in accordance with this section.

''(d) CONSULTATION ON HEALTH CARE STANDARDS.—In developing standards for credentialing health care professionals under this section, the Administrator shall consult with the Secretary of Health and Human Services.''.

SEC. 409. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 522. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other man-made disaster.

''(b) DISTRIBUTION AND ASSISTANCE.—The Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to State, local, and tribal governments, and provide expertise and technical assistance to aid such governments with credentialing critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other manmade disaster.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Model standards and guidelines for critical infrastructure workers.''.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title and the amendments made by this title.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 501. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide advisories or warnings regarding the threat or risk that acts of terrorism will be committed on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such advisories or warnings.

''(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

''(1) establish criteria for the issuance and revocation of such advisories or warnings;

''(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such advisories or warnings;

''(3) provide, in each such advisory or warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to the threat or risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately;

''(4) whenever possible, limit the scope of each such advisory or warning to a specific region, locality, or economic sector believed to be under threat or at risk; and

''(5) not, in issuing any advisory or warning, use color designations as the exclusive means of specifying homeland security threat conditions that are the subject of the advisory or warning.

''SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

''(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary, acting through the Under Secretary for Intelligence and Analysis, shall integrate the information and standardize the format of the products of the intelligence components of the Department containing homeland security information, terrorism information, weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))) except for any internal security protocols or personnel information of such intelligence components, or other administrative processes that are administered by any chief security officer of the Department.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis regarding coordinating the different systems used in the Department to gather and disseminate homeland security information or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall—

''(A) establish Department-wide procedures for the review and analysis of information provided by State, local, and tribal governments and the private sector;

''(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

''(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that provides such information to the Department.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall provide to employees of the Department opportunities for training and education to develop an understanding of—

''(A) the definitions of homeland security information and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))); and

''(B) how information available to such employees as part of their duties—

''(i) might qualify as homeland security information or national intelligence; and

''(ii) might be relevant to the Office of Intelligence and Analysis and the intelligence components of the Department.

''(2) EVALUATIONS.—The Under Secretary for Intelligence and Analysis shall—

''(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information or national intelligence, sharing information within the Department, as described in this title, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) provide to the appropriate component heads regular reports regarding the evaluations under subparagraph (A).

''SEC. 205. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish, consistent with the policies and procedures developed under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and consistent with the enterprise architecture of the Department, a comprehensive information technology network architecture for the Office of Intelligence and Analysis that connects the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing among the intelligence and other personnel of the Department.

''(b) COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE DEFINED.—The term 'comprehensive information technology network architecture' means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic management and information resources management goals of the Office of Intelligence and Analysis.

''SEC. 206. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

''(a) GUIDANCE.—All activities to comply with sections 203, 204, and 205 shall be—

''(1) consistent with any policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(2) implemented in coordination with, as appropriate, the program manager for the information sharing environment established under that section;

''(3) consistent with any applicable guidance issued by the Director of National Intelligence; and

''(4) consistent with any applicable guidance issued by the Secretary relating to the protection of law enforcement information or proprietary information.

''(b) CONSULTATION.—In carrying out the duties and responsibilities under this subtitle, the Under Secretary for Intelligence and Analysis shall take into account the views of the heads of the intelligence components of the Department.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Homeland Security Advisory System.

''Sec. 204. Homeland security information sharing.

''Sec. 205. Comprehensive information technology network architecture.

''Sec. 206. Coordination with information sharing environment.''.

(b) OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting '', in support of the mission responsibilities of the Department and the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 404o),'' after ''and to integrate such information''; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A)(ii) of this section, and inserting the following:

''(7) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including homeland security information, terrorism information, and weapons of mass destruction information, and any policies, guidelines, procedures, instructions, or standards established under that section.''.

(c) REPORT ON COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by subsection (a). The report shall include:

(1) a description of the priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities;

(2) an explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect;

(3) a description of the technological challenges that the Secretary expects the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture;

(4) a description of the technological options that are available or are in development that may be incorporated into the comprehensive information technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so;

(5) an explanation of any security protections to be developed as part of the comprehensive information technology network architecture;

(6) a description of safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture; and

(7) an operational best practices plan.

SEC. 502. INTELLIGENCE COMPONENT DEFINED.

(a) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) The term 'intelligence component of the Department' means any element or entity of the Department that collects, gathers, processes, analyzes, produces, or disseminates intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence, as defined under section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), except—

''(A) the United States Secret Service; and

''(B) the Coast Guard, when operating under the direct authority of the Secretary of Defense or Secretary of the Navy pursuant to section 3

of title 14, United States Code, except that nothing in this paragraph shall affect or diminish the authority and responsibilities of the Commandant of the Coast Guard to command or control the Coast Guard as an armed force or the authority of the Director of National Intelligence with respect to the Coast Guard as an element of the intelligence community (as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(b) RECEIPT OF INFORMATION FROM UNITED STATES SECRET SERVICE.—

(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall receive from the United States Secret Service homeland security information, terrorism information, weapons of mass destruction information (as these terms are defined in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)), or national intelligence, as defined in Section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), as well as suspect information obtained in criminal investigations. The United States Secret Service shall cooperate with the Under Secretary for Intelligence and Analysis with respect to activities under sections 204 and 205 of the Homeland Security Act of 2002.

(2) SAVINGS CLAUSE.—Nothing in this Act shall interfere with the operation of Section 3056(g) of Title 18, United States Code, or with the authority of the Secretary of Homeland Security or the Director of the United States Secret Service regarding the budget of the United States Secret Service.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—Paragraph (13) of section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311), as redesignated by section 401, is amended by striking ''section 2(10)(B)'' and inserting ''section 2(11)(B)''.

(2) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking ''section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))'' and inserting ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))''.

SEC. 503. ROLE OF INTELLIGENCE COMPONENTS, TRAINING, AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following:

''SEC. 207. INTELLIGENCE COMPONENTS.

''Subject to the direction and control of the Secretary, and consistent with any applicable guidance issued by the Director of National Intelligence, the responsibilities of the head of each intelligence component of the Department are as follows:

''(1) To ensure that the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))), are carried out effectively and efficiently in support of the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

''(2) To otherwise support and implement the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

''(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

''(4) To coordinate with the Under Secretary for Intelligence and Analysis in developing policies and requirements for the recruitment and selection of intelligence officials of the intelligence component.

''(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.

''(6) To ensure that employees of the intelligence component have knowledge of, and comply with, the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.

''(7) To perform such other activities relating to such responsibilities as the Secretary may provide.

''SEC. 208. TRAINING FOR EMPLOYEES OF INTELLIGENCE COMPONENTS.

''The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).

''SEC. 209. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

''(a) CURRICULUM.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall—

''(1) develop a curriculum for training State, local, and tribal government officials, including law enforcement officers, intelligence analysts, and other emergency response providers, in the intelligence cycle and Federal laws, practices, and regulations regarding the development, handling, and review of intelligence and other information; and

''(2) ensure that the curriculum includes executive level training for senior level State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers.

''(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct such training.

''(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Under Secretary for Intelligence and Analysis shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

''SEC. 210. INFORMATION SHARING INCENTIVES.

''(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in appropriately sharing information within the scope of the information sharing environment established under that section, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

''(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to participate fully in the information sharing environment, including—

''(1) promotions and other nonmonetary awards; and

''(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended further by inserting after the item relating to section 206 the following:

''Sec. 207. Intelligence components.
''Sec. 208. Training for employees of intelligence components.
''Sec. 209. Intelligence training development for State and local government officials.
''Sec. 210. Information sharing incentives.''.

SEC. 504. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)).'';

(C) by striking paragraph (3), as so redesignated, and inserting the following:

''(3) INFORMATION SHARING ENVIRONMENT.—The terms 'information sharing environment' and 'ISE' mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.''.

(D) by striking paragraph (5), as so redesignated, and inserting the following:

''(5) TERRORISM INFORMATION.—The term 'terrorism information'—

''(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

''(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

''(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

''(iii) communications of or by such groups or individuals; or

''(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

''(B) includes weapons of mass destruction information.''; and

(E) by adding at the end the following:

''(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development,

proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.'';

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

''(K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;

''(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

''(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

''(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

''(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.'';

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced'' and inserting ''until removed from service or replaced''; and

(ii) by striking ''The program manager shall have and exercise governmentwide authority.'' and inserting ''The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law.''; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

''(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

''(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

''(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced'' and inserting ''until removed from service or replaced'';

(B) in paragraph (2)—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

''(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

''(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and'';

(C) in paragraph (4), by inserting ''(including any subsidiary group of the Information Sharing Council)'' before ''shall not be subject''; and

(D) by adding at the end the following:

''(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).'';

(5) in subsection (h)(1), by striking ''and annually thereafter'' and inserting ''and not later than June 30 of each year thereafter''; and

(6) by striking subsection (j) and inserting the following:

''(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

''(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the information sharing environment, unless the President has—

''(i) specifically exempted categories of information from such elimination; and

''(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

''(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;

''(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

''(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—

''(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

''(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

''(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

''(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

''(1) activities associated with the implementation of the information sharing environment, including—

''(A) implementing the requirements under subsection (b)(2); and

''(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

''(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.''.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 511. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 210A. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

''(b) DEPARTMENT SUPPORT AND COORDINATION.—Through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative, and in coordination with the principal officials of participating State, local, or regional fusion centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

''(1) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

''(2) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

''(3) conduct tabletop and live training exercises to regularly assess the capability of individual and regional networks of State, local,

and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

''(4) coordinate with other relevant Federal entities engaged in homeland security-related activities;

''(5) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

''(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by State, local, and regional fusion centers, and to incorporate such information, as appropriate, into the Department's own such information;

''(7) provide management assistance to State, local, and regional fusion centers;

''(8) serve as a point of contact to ensure the dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

''(9) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

''(10) provide State, local, and regional fusion centers with expertise on Department resources and operations;

''(11) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department; and

''(12) carry out such other duties as the Secretary determines are appropriate.

''(c) PERSONNEL ASSIGNMENT.—

''(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to participating State, local, and regional fusion centers.

''(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to participating fusion centers under this subsection may be assigned from the following Department components, in coordination with the respective component head and in consultation with the principal officials of participating fusion centers:

''(A) Office of Intelligence and Analysis.

''(B) Office of Infrastructure Protection.

''(C) Transportation Security Administration.

''(D) United States Customs and Border Protection.

''(E) United States Immigration and Customs Enforcement.

''(F) United States Coast Guard.

''(G) Other components of the Department, as determined by the Secretary.

''(3) QUALIFYING CRITERIA.—

''(A) IN GENERAL.—The Secretary shall develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

''(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

''(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

''(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

''(iii) whether the fusion center has—

''(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

''(II) the ability to share and analytically utilize that data for lawful purposes;

''(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

''(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

''(4) PREREQUISITE.—

''(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

''(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

''(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

''(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar rule or regulation);

''(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

''(iii) such other training prescribed by the Under Secretary for Intelligence and Analysis.

''(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Under Secretary for Intelligence and Analysis shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

''(i) has been previously assigned in the geographic area; or

''(ii) has previously worked with intelligence officials or law enforcement or other emergency response providers from that State, locality, or region.

''(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis—

''(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate security clearance to contribute effectively to the mission of the fusion center; and

''(B) may request that security clearance processing be expedited for each such officer or intelligence analyst and may use available funds for such purpose.

''(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

''(d) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

''(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to develop a comprehensive and accurate threat picture;

''(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

''(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department; and

''(4) assist in the dissemination of such products, as coordinated by the Under Secretary for Intelligence and Analysis, to law enforcement agencies and other emergency response providers of State, local, and tribal government, other fusion centers, and appropriate Federal agencies.

''(e) BORDER INTELLIGENCE PRIORITY.—

''(1) IN GENERAL.—The Secretary shall make it a priority to assign officers and intelligence analysts under this section from United States Customs and Border Protection, United States Immigration and Customs Enforcement, and the Coast Guard to participating State, local, and regional fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.

''(2) BORDER INTELLIGENCE PRODUCTS.—When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to participating State, local, and regional fusion centers under this section shall have, as a primary responsibility, the creation of border intelligence products that—

''(A) assist State, local, and tribal law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and related contraband at land or maritime borders of the United States;

''(B) promote more consistent and timely sharing of border security-relevant information among jurisdictions along land or maritime borders of the United States; and

''(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving the land or maritime borders of the United States.

''(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (d), each officer or intelligence analyst assigned to a fusion center under this section shall have appropriate access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

''(g) CONSUMER FEEDBACK.—

''(1) IN GENERAL.—The Secretary shall create a voluntary mechanism for any State, local, or tribal law enforcement officer or other emergency response provider who is a consumer of the intelligence or other information products referred to in subsection (d) to provide feedback to the Department on the quality and utility of such intelligence products.

''(2) REPORT.—Not later than one year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes a description of the consumer feedback obtained under paragraph (1) and, if applicable, how the Department has adjusted its production of intelligence products in response to that consumer feedback.

''(h) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

''(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

''(i) GUIDELINES.—The Secretary, in consultation with the Attorney General, shall establish guidelines for fusion centers created and operated by State and local governments, to include standards that any such fusion center shall—

''(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

''(2) create a representative governance structure that includes law enforcement officers and

other emergency response providers and, as appropriate, the private sector;

''(3) create a collaborative environment for the sharing of intelligence and information among Federal, State, local, and tribal government agencies (including law enforcement officers and other emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

''(4) leverage the databases, systems, and networks available from public and private sector entities, in accordance with all applicable laws, to maximize information sharing;

''(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

''(6) provide, in coordination with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, appropriate privacy and civil liberties training for all State, local, tribal, and private sector representatives at the fusion center;

''(7) ensure appropriate security measures are in place for the facility, data, and personnel;

''(8) select and train personnel based on the needs, mission, goals, and functions of that fusion center;

''(9) offer a variety of intelligence and information services and products to recipients of fusion center intelligence and information; and

''(10) incorporate law enforcement officers, other emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process, consistent with the mission statement developed under paragraph (1), either through full time representatives or liaison relationships with the fusion center to enable the receipt and sharing of information and intelligence.

''(j) DEFINITIONS.—In this section—

''(1) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

''(2) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(3) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, gathering, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

''(4) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

''(5) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, except for subsection (i), including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.''.

(b) TRAINING FOR PREDEPLOYED OFFICERS AND ANALYSTS.—An officer or analyst assigned to a fusion center by the Secretary of Homeland Security before the date of the enactment of this Act shall undergo the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002, as added by subsection (a), by not later than six months after such date.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210 the following:

''Sec. 210A.Department of Homeland Security State, Local, and Regional Information Fusion Center Initiative.''.

(d) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the Department of Homeland Security State, Local, and Regional Fusion Center Initiative under section 210A of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''program'') has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date of the enactment of this Act, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Liberties and Civil Rights of the Department of Homeland Security, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board a report on the privacy and civil liberties impact of the program.

SEC. 512. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 210B. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

''(i) the relevant missions and capabilities of the Department and other Federal agencies; and

''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

''(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal information requirements;

''(ii) identify information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is of interest to State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers;

''(iii) assist Department analysts in preparing and disseminating products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to prepare for and thwart acts of terrorism; and

''(iv) assist Department analysts in preparing products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal emergency response providers and assist in the dissemination of such products through appropriate Department channels.

''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

''(A) have homeland security-related responsibilities;

''(B) be eligible for an appropriate security clearance;

''(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

''(D) be an employee of an eligible entity; and

''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note).

''(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a State, local, or regional fusion center;

''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

''(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

''(D) a tribal law enforcement or other authority; or

''(E) such other entity as the Secretary determines is appropriate.

''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

''(d) PROCEDURES FOR NOMINATION AND SELECTION.—

''(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

''(2) LIMITATIONS.—The Under Secretary for Intelligence and Analysis shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210A the following:

''Sec. 210B. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 210B of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''Program'') the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the program is implemented, the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board, a report on the privacy and civil liberties impact of the program.

SEC. 513. RURAL POLICING INSTITUTE.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 210C. RURAL POLICING INSTITUTE.

''(a) IN GENERAL.—The Secretary shall establish a Rural Policing Institute, which shall be administered by the Federal Law Enforcement Training Center, to target training to law enforcement agencies and other emergency response providers located in rural areas. The Secretary, through the Rural Policing Institute, shall—

''(1) evaluate the needs of law enforcement agencies and other emergency response providers in rural areas;

''(2) develop expert training programs designed to address the needs of law enforcement agencies and other emergency response providers in rural areas as identified in the evaluation conducted under paragraph (1), including training programs about intelligence-led policing and protections for privacy, civil rights, and civil liberties;

''(3) provide the training programs developed under paragraph (2) to law enforcement agencies and other emergency response providers in rural areas; and

''(4) conduct outreach efforts to ensure that local and tribal governments in rural areas are aware of the training programs developed under paragraph (2) so they can avail themselves of such programs.

''(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall—

''(1) be configured in a manner so as not to duplicate or displace any law enforcement or emergency response program of the Federal Law Enforcement Training Center or a local or tribal government entity in existence on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

''(2) to the maximum extent practicable, be delivered in a cost-effective manner at facilities of the Department, on closed military installations with adequate training facilities, or at facilities operated by the participants.

''(c) DEFINITION.—In this section, the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

''(1) $10,000,000 for fiscal year 2008; and

''(2) $5,000,000 for each of fiscal years 2009 through 2013.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210B the following:

''Sec. 210C. Rural Policing Institute.''.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 521. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 210D. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

''(a) IN GENERAL.—To improve the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) with State, local, tribal, and private sector officials, the Director of National Intelligence, through the program manager for the information sharing environment, in coordination with the Secretary, shall coordinate and oversee the creation of an Interagency Threat Assessment and Coordination Group (referred to in this section as the 'ITACG').

''(b) COMPOSITION OF ITACG.—The ITACG shall consist of—

''(1) an ITACG Advisory Council to set policy and develop processes for the integration, analysis, and dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

''(2) an ITACG Detail comprised of State, local, and tribal homeland security and law enforcement officers and intelligence analysts detailed to work in the National Counterterrorism Center with Federal intelligence analysts for the purpose of integrating, analyzing, and assisting in the dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, through appropriate channels identified by the ITACG Advisory Council.

''(c) RESPONSIBILITIES OF PROGRAM MANAGER.—The program manager, in consultation with the Information Sharing Council, shall—

''(1) monitor and assess the efficacy of the ITACG; and

''(2) not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and at least annually thereafter, submit to the Secretary, the Attorney General, the Director of National Intelligence, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the ITACG.

''(d) RESPONSIBILITIES OF SECRETARY.—The Secretary, or the Secretary's designee, in coordination with the Director of the National Counterterrorism Center and the ITACG Advisory Council, shall—

''(1) create policies and standards for the creation of information products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are suitable for dissemination to State, local, and tribal governments and the private sector;

''(2) evaluate and develop processes for the timely dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal governments and the private sector;

''(3) establish criteria and a methodology for indicating to State, local, and tribal governments and the private sector the reliability of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, disseminated to them;

''(4) educate the intelligence community about the requirements of the State, local, and tribal homeland security, law enforcement, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

''(5) establish and maintain the ITACG Detail, which shall assign an appropriate number of State, local, and tribal homeland security and law enforcement officers and intelligence analysts to work in the National Counterterrorism Center who shall—

''(A) educate and advise National Counterterrorism Center intelligence analysts about the requirements of the State, local, and tribal homeland security and law enforcement officers, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

''(B) assist National Counterterrorism Center intelligence analysts in integrating, analyzing, and otherwise preparing versions of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information that are unclassified or classified at the lowest possible level and suitable for dissemination to State, local, and tribal homeland security and law enforcement agencies in order to help deter and prevent terrorist attacks;

''(C) implement, in coordination with National Counterterrorism Center intelligence analysts, the policies, processes, procedures, standards, and guidelines developed by the ITACG Advisory Council;

''(D) assist in the dissemination of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal jurisdictions only through appropriate channels identified by the ITACG Advisory Council; and

''(E) report directly to the senior intelligence official from the Department under paragraph (6);

''(6) detail a senior intelligence official from the Department of Homeland Security to the National Counterterrorism Center, who shall—

''(A) manage the day-to-day operations of the ITACG Detail;

''(B) report directly to the Director of the National Counterterrorism Center or the Director's designee; and

''(C) in coordination with the Director of the Federal Bureau of Investigation, and subject to the approval of the Director of the National Counterterrorism Center, select a deputy from the pool of available detailees from the Federal Bureau of Investigation in the National Counterterrorism Center; and

''(7) establish, within the ITACG Advisory Council, a mechanism to select law enforcement officers and intelligence analysts for placement in the National Counterterrorism Center consistent with paragraph (5), using criteria developed by the ITACG Advisory Council that shall encourage participation from a broadly representative group of State, local, and tribal homeland security and law enforcement agencies.

''(e) MEMBERSHIP.—The Secretary, or the Secretary's designee, shall serve as the chair of the ITACG Advisory Council, which shall include—

''(1) representatives of—

''(A) the Department;

''(B) the Federal Bureau of Investigation;

''(C) the National Counterterrorism Center;

''(D) the Department of Defense;

''(E) the Department of Energy;

''(F) the Department of State; and

''(G) other Federal entities as appropriate;

''(2) the program manager of the information sharing environment, designated under section 1016(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)), or the program manager's designee; and

''(3) executive level law enforcement and intelligence officials from State, local, and tribal governments.

''(f) CRITERIA.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall—

''(1) establish procedures for selecting members of the ITACG Advisory Council and for the proper handling and safeguarding of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by those members; and

''(2) ensure that at least 50 percent of the members of the ITACG Advisory Council are from State, local, and tribal governments.

''(g) OPERATIONS.—

''(1) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the ITACG Advisory Council shall meet regularly, but not less than quarterly, at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

''(2) MANAGEMENT.—Pursuant to section 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 404o(f)(E)), the Director of the National Counterterrorism Center, acting through the senior intelligence official from the Department of Homeland Security detailed pursuant to subsection (d)(6), shall ensure that—

''(A) the products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, prepared by the National Counterterrorism Center and the ITACG Detail for distribution to State, local, and tribal homeland security and law enforcement agencies reflect the requirements of such agencies and are produced consistently with the policies, processes, procedures, standards, and guidelines established by the ITACG Advisory Council;

''(B) in consultation with the ITACG Advisory Council and consistent with sections 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), all products described in subparagraph (A) are disseminated through existing channels of the Department and the Department of Justice and other appropriate channels to State, local, and tribal government officials and other entities;

''(C) all detailees under subsection (d)(5) have appropriate access to all relevant information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, available at the National Counterterrorism Center in order to accomplish the objectives under that paragraph;

''(D) all detailees under subsection (d)(5) have the appropriate security clearances and are trained in the procedures for handling, processing, storing, and disseminating classified products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

''(E) all detailees under subsection (d)(5) complete appropriate privacy and civil liberties training.

''(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the ITACG or any subsidiary groups thereof.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section, including to obtain security clearances for the State, local, and tribal participants in the ITACG.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 210C the following:

''Sec. 210D. Interagency Threat Assessment and Coordination Group.''.

(c) PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security and the Chief Privacy and Civil Liberties Officer for the Department of Justice, in consultation with the Civil Liberties Protection Officer of the Office of the Director of National Intelligence, shall submit to the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Attorney General, the Director of the National Counterterrorism Center, the Director of National Intelligence, the Privacy and Civil Liberties Oversight Board, and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a privacy and civil liberties impact assessment of the Interagency Threat Assessment and Coordination Group under section 210D of the Homeland Security Act of 2002, as added by subsection (a), including the use of State, local, and tribal detailees at the National Counterterrorism Center, as described in subsection (d)(5) of that section.

Subtitle D—Homeland Security Intelligence Offices Reorganization

SEC. 531. OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.

(a) IN GENERAL.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 201) is amended—

(1) in the section heading, by striking ''directorate for information'' and inserting ''information and'';

(2) by striking subsections (a) through (c) and inserting the following:

''(a) INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—There shall be in the Department an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

''(b) UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

''(1) OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis shall be headed by an Under Secretary for Intelligence and Analysis, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) CHIEF INTELLIGENCE OFFICER.—The Under Secretary for Intelligence and Analysis shall serve as the Chief Intelligence Officer of the Department.

''(3) OFFICE OF INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by an Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

''(c) DISCHARGE OF RESPONSIBILITIES.—The Secretary shall ensure that the responsibilities of the Department relating to information analysis and infrastructure protection, including those described in subsection (d), are carried out through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate.'';

(3) in subsection (d)—

(A) in the subsection heading, by striking ''UNDER SECRETARY'' and inserting ''SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION'';

(B) in the matter preceding paragraph (1), by striking ''Subject to the direction'' and all that follows through ''Infrastructure Protection'' and inserting the following: ''The responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection'';

(C) in paragraph (9), as redesignated under section 510(a)(2)(A)(ii), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(D) in paragraph (11)(B), as so redesignated, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(E) by redesignating paragraph (18), as so redesignated, as paragraph (24); and

(F) by inserting after paragraph (17), as so redesignated, the following:

''(18) To coordinate and enhance integration among the intelligence components of the Department, including through strategic oversight of the intelligence activities of such components.

''(19) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence.

''(20) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

''(21) To ensure that, whenever possible, the Department—

''(A) produces and disseminates unclassified reports and analytic products based on open-source information; and

''(B) produces and disseminates such reports and analytic products contemporaneously with reports or analytic products concerning the same or similar information that the Department produced and disseminated in a classified format.

''(22) To establish within the Office of Intelligence and Analysis an internal continuity of operations plan.

''(23) Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence—

''(A) to provide to the heads of each intelligence component of the Department guidance

for developing the budget pertaining to the activities of such component; and

''(B) to present to the Secretary a recommendation for a consolidated budget for the intelligence components of the Department, together with any comments from the heads of such components.'';

(4) in subsection (e)(1)—

(A) by striking ''Directorate'' the first place that term appears and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''; and

(B) by striking ''the Directorate in discharging'' and inserting ''such offices in discharging'';

(5) in subsection (f)(1), by striking ''Directorate'' and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''; and

(6) In subsection (g), in the matter preceding paragraph (1), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such Act is further amended—

(A) in section 223, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection'';

(B) in section 224, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Assistant Secretary for Infrastructure Protection'';

(C) in section 302(3), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection''; and

(D) in section 521(d)—

(i) in paragraph (1), by striking ''Directorate for Information Analysis and Infrastructure Protection'' and inserting ''Office of Intelligence and Analysis''; and

(ii) in paragraph (2), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis''.

(2) ADDITIONAL UNDER SECRETARY.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(B) by inserting after paragraph (7) the following:

''(8) An Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.''.

*(3) HEADING.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended in the subtitle heading by striking ''**Directorate for Information**'' and inserting ''**Information and**''.*

(4) TABLE OF CONTENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents in section 1(b)—

(A) by striking the items relating to subtitle A of title II and section 201 and inserting the following:

''Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

''Sec. 201. Information and Analysis and Infrastructure Protection.''; and

(5) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

''(I) The Under Secretary of Homeland Security for Intelligence and Analysis.''.

(c) TREATMENT OF INCUMBENT.—The individual administratively performing the duties of the Under Secretary for Intelligence and Analysis as of the date of the enactment of this Act may continue to perform such duties after the date on which the President nominates an individual to serve as the Under Secretary pursuant to section 201 of the Homeland Security Act of 2002, as amended by this section, and until the individual so appointed assumes the duties of the position

Subtitle E—Authorization of Appropriations

SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this title and the amendments made by this title.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year beginning with fiscal year 2007, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

(b) WAIVER.—Beginning with fiscal year 2009, the President may waive or postpone the disclosure required by subsection (a) for any fiscal year by, not later than 30 days after the end of such fiscal year, submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(1) a statement, in unclassified form, that the disclosure required in subsection (a) for that fiscal year would damage national security; and

(2) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(c) DEFINITION.—As used in this section, the term ''National Intelligence Program'' has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 602. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking ''Director of Central Intelligence'' each place that term appears and inserting ''Director of National Intelligence'';

(2) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking minority member of the committee of Congress that made the request relating to such recommendations.'';

(3) in section 705(c), in the subsection heading, by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''; and

(4) in section 710(b), by striking ''8 years after the date'' and all that follows and inserting ''on December 31, 2012.''.

SEC. 603. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the committees, if any, for carrying out such reforms.

SEC. 604. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289; 120 Stat. 1311), as amended by Public Law 109–369 (120 Stat. 2642), Public

Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

''(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.''.

SEC. 605. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Terrorist Travel

SEC. 701. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorism information.

(b) CONTENTS.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

Subtitle B—Visa Waiver

SEC. 711. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Secure Travel and Counterterrorism Partnership Act of 2007''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize and strengthen the security of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are partners in the war on terrorism—

(i) that are actively cooperating with the United States to prevent terrorist travel, including sharing counterterrorism and law enforcement information; and

(ii) whose nationals have demonstrated their compliance with the provisions of the Immigration and Nationality Act regarding the purpose and duration of their admission to the United States; and

(2) the modernization described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following new paragraphs:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—

''(i) IN GENERAL.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit through airports of the United States and the electronic travel authorization system required under subsection (h)(3) is fully operational, the Secretary of Homeland Security shall certify to Congress that such air exit system and electronic travel authorization system are in place.

''(ii) NOTIFICATION TO CONGRESS.—The Secretary shall notify Congress in writing of the date on which the air exit system under clause (i) fully satisfies the biometric requirements specified in subsection (i).

''(iii) TEMPORARY SUSPENSION OF WAIVER AUTHORITY.—Notwithstanding any certification made under clause (i), if the Secretary has not notified Congress in accordance with clause (ii) by June 30, 2009, the Secretary's waiver authority under subparagraph (B) shall be suspended beginning on July 1, 2009, until such time as the Secretary makes such notification.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as in any way abrogating the reporting requirements under subsection (i)(3).

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

''(i) the country meets all security requirements of this section;

''(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) there has been a sustained reduction in the rate of refusals for nonimmigrant visas for nationals of the country and conditions exist to continue such reduction;

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives, information sharing, and preventing terrorist travel before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State determine that such cooperation will continue; and

''(v)(I) the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than ten percent; or

''(II) the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once such rate is established under subparagraph (C).

''(C) MAXIMUM VISA OVERSTAY RATE.—

''(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary and the Secretary of State jointly shall use information from the air exit system referred to in such subparagraph to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B). The Secretary of Homeland Security shall certify to Congress that such rate would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States.

''(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

''(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa whose periods of authorized stays ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

''(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa during that fiscal year.

''(iii) REPORT AND PUBLICATION.—The Secretary of Homeland Security shall on the same date submit to Congress and publish in the Federal Register information relating to the maximum visa overstay rate established under clause (i). Not later than 60 days after such date, the Secretary shall issue a final maximum visa overstay rate above which a country may not participate in the program.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(A) airport security standards in the country;

''(B) whether the country assists in the operation of an effective air marshal program;

''(C) the standards of passports and travel documents issued by the country; and

''(D) other security-related factors, including the country's cooperation with the United States' initiatives toward combating terrorism and the country's cooperation with the United States intelligence community in sharing information regarding terrorist threats.''.

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a), in the flush text following paragraph (9)—

(i) by striking ''Operators of aircraft'' and inserting the following:

''(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft''; and

(ii) by adding at the end the following new paragraph:

''(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission to the United States, electronically provide to the system biographical information and such other information as the Secretary of Homeland Security shall determine necessary to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'';

(B) in subsection (c)—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

''(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol or other means as designated by the Secretary of Homeland Security, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.''; and

(II) by adding at the end the following new subparagraphs:

''(E) REPATRIATION OF ALIENS.—The government of the country accepts for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued not later than three weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

''(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether citizens and nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.'';

(ii) in paragraph (5)—

(I) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking ''and'' at the end;

(bb) in subclause (III)—

(AA) by striking ''and the Committee on International Relations'' and inserting '', the Committee on Foreign Affairs, and the Committee on Homeland Security,'' and by striking ''and the Committee on Foreign Relations'' and inserting '', the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs''; and

(BB) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following new subclause:

''(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).''; and

(III) in subparagraph (B), by adding at the end the following new clause:

''(iv) PROGRAM SUSPENSION AUTHORITY.—The Director of National Intelligence shall immediately inform the Secretary of Homeland Security of any current and credible threat which poses an imminent danger to the United States or its citizens and originates from a country participating in the visa waiver program. Upon receiving such notification, the Secretary, in consultation with the Secretary of State—

''(I) may suspend a country from the visa waiver program without prior notice;

''(II) shall notify any country suspended under subclause (I) and, to the extent practicable without disclosing sensitive intelligence sources and methods, provide justification for the suspension; and

''(III) shall restore the suspended country's participation in the visa waiver program upon a determination that the threat no longer poses an imminent danger to the United States or its citizens.''; and

(iii) by adding at the end the following new paragraphs:

''(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section. The Secretary of Homeland Security shall ensure that the program office within the Department of Homeland Security is adequately staffed and has resources to be able to provide such technical assistance, in addition to its duties to effectively monitor compliance of the countries participating in the program with all the requirements of the program.

''(11) INDEPENDENT REVIEW.—

''(A) IN GENERAL.—Prior to the admission of a new country into the program under this section, and in conjunction with the periodic evaluations required under subsection (c)(5)(A), the Director of National Intelligence shall conduct an independent intelligence assessment of a nominated country and member of the program.

''(B) REPORTING REQUIREMENT.—The Director shall provide to the Secretary of Homeland Security, the Secretary of State, and the Attorney General the independent intelligence assessment required under subparagraph (A).

''(C) CONTENTS.—The independent intelligence assessment conducted by the Director shall include—

''(i) a review of all current, credible terrorist threats of the subject country;

''(ii) an evaluation of the subject country's counterterrorism efforts;

''(iii) an evaluation as to the extent of the country's sharing of information beneficial to suppressing terrorist movements, financing, or actions;

''(iv) an assessment of the risks associated with including the subject country in the program; and

''(v) recommendations to mitigate the risks identified in clause (iv).'';

(C) in subsection (d)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) by adding at the end the following new sentence: ''The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies, with respect to the House of Representatives, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations, and with respect to the Senate, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations not later than 30 days before the effective date of such waiver.'';

(D) in subsection (f)(5)—

(i) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''of blank'' and inserting ''or loss of'';

(E) in subsection (h), by adding at the end the following new paragraph:

''(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

''(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such biographical and other information as the Secretary of Homeland Security determines necessary to determine, in advance of travel, the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States.

''(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

''(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

''(ii) available to pay the costs incurred to administer the System.

''(C) VALIDITY.—

''(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall prescribe regulations that provide for a period, not to exceed three years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

''(ii) LIMITATION.—A determination by the Secretary of Homeland Security that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

''(iii) NOT A DETERMINATION OF VISA ELIGIBILITY.—A determination by the Secretary of Homeland Security that an alien who applied for authorization to travel to the United States through the System is not eligible to travel under the program is not a determination of eligibility for a visa to travel to the United States and shall not preclude the alien from applying for a visa.

''(iv) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

''(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the system to—

''(i) the Committee on Homeland Security of the House of Representatives;

''(ii) the Committee on the Judiciary of the House of Representatives;

''(iii) the Committee on Foreign Affairs of the House of Representatives;

''(iv) the Permanent Select Committee on Intelligence of the House of Representatives;

''(v) the Committee on Appropriations of the House of Representatives;

''(vi) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(vii) the Committee on the Judiciary of the Senate;

''(viii) the Committee on Foreign Relations of the Senate;

''(ix) the Select Committee on Intelligence of the Senate; and

''(x) the Committee on Appropriations of the Senate.''; and

(F) by adding at the end the following new subsection:

''(i) EXIT SYSTEM.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this subsection, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under this section.

''(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

''(A) match biometric information of the alien against relevant watch lists and immigration information; and

''(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such aliens have departed the United States.

''(3) REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that describes—

''(A) the progress made in developing and deploying the exit system established under this subsection; and

''(B) the procedures by which the Secretary shall improve the method of calculating the rates of nonimmigrants who overstay their authorized period of stay in the United States.''.

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii), shall take effect on the date that is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section and the amendments made by this section.

Subtitle C—Strengthening Terrorism Prevention Programs

SEC. 721. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking ''address'' and inserting ''integrate and disseminate intelligence and information related to'';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

''(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

''(e) STAFFING OF THE CENTER.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

''(A) Agencies and offices within the Department of Homeland Security, including the following:

''(i) The Office of Intelligence and Analysis.

''(ii) The Transportation Security Administration.

''(iii) United States Citizenship and Immigration Services.

''(iv) United States Customs and Border Protection.

''(v) The United States Coast Guard.

''(vi) United States Immigration and Customs Enforcement.

''(B) Other departments, agencies, or entities, including the following:

''(i) The Central Intelligence Agency.

''(ii) The Department of Defense.

''(iii) The Department of the Treasury.

''(iv) The National Counterterrorism Center.

''(v) The National Security Agency.

''(vi) The Department of Justice.

''(vii) The Department of State.

''(viii) Any other relevant agency or department.

''(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity referred to in paragraph (1), shall ensure that the detailees provided to the Center under such paragraph include an adequate number of personnel who are—

''(A) intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel; and

''(B) personnel with experience in the areas of—

''(i) consular affairs;

''(ii) counterterrorism;

''(iii) criminal law enforcement;

''(iv) intelligence analysis;

''(v) prevention and detection of document fraud;

''(vi) border inspection;

''(vii) immigration enforcement; or

''(viii) human trafficking and combating severe forms of trafficking in persons.

''(3) ENHANCED PERSONNEL MANAGEMENT.—

''(A) INCENTIVES FOR SERVICE IN CERTAIN POSITIONS.—

''(i) IN GENERAL.—The Secretary of Homeland Security, and the heads of other relevant agencies, shall prescribe regulations or promulgate personnel policies to provide incentives for service on the staff of the Center, particularly for serving terms of at least two years duration.

''(ii) FORMS OF INCENTIVES.—Incentives under clause (i) may include financial incentives, bonuses, and such other awards and incentives as the Secretary and the heads of other relevant agencies, consider appropriate.

''(B) ENHANCED PROMOTION FOR SERVICE AT THE CENTER.—Notwithstanding any other provision of law, the Secretary of Homeland Security, and the heads of other relevant agencies, shall ensure that personnel who are assigned or detailed to service at the Center shall be considered for promotion at rates equivalent to or better than similarly situated personnel of such agencies who are not so assigned or detailed, except that this subparagraph shall not apply in the case of personnel who are subject to the provisions of the Foreign Service Act of 1980.

''(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.''.

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as redesignated by subsection (a)(2), is amended to read as follows:

''(g) REPORT.—

''(1) INITIAL REPORT.—Not later than 180 days after December 17, 2004, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

''(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

''(A) the roles and responsibilities of each agency or department that is participating in the Center;

''(B) the mechanisms used to share information among each such agency or department;

''(C) the personnel provided to the Center by each such agency or department;

''(D) the type of information and reports being disseminated by the Center;

''(E) any efforts by the Center to create a centralized Federal Government database to store information related to unlawful travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared;

''(F) how each agency and department shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

''(G) efforts to consolidate networked systems for the Center;

''(H) the mechanisms for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b);

''(I) the ability of participating personnel in the Center to freely access necessary databases and share information regarding issues related to human smuggling, trafficking in persons, and terrorist travel;

''(J) how the assignment of personnel to the Center is incorporated into the civil service career path of such personnel; and

''(K) cooperation and coordination efforts, including any memorandums of understanding, among participating agencies and departments regarding issues related to human smuggling, trafficking in persons, and terrorist travel.''.

(c) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding after subsection (h), as redesignated by subsection (a)(2), the following new subsection:

''(i) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to relevant State, local, and tribal law enforcement agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $20,000,000 for fiscal year 2008 to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by this section.

SEC. 722. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

''SEC. 7215. TERRORIST TRAVEL PROGRAM.

''(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

''(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

''(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

''(2) an official appointed by the Secretary who reports directly to the Secretary.

''(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

''(1) developing relevant strategies and policies;

''(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

''(3) making recommendations on budget requests and on the allocation of funding and personnel;

''(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

''(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

''(i) United States Customs and Border Protection;

''(ii) United States Immigration and Customs Enforcement;

''(iii) United States Citizenship and Immigration Services;

''(iv) the Transportation Security Administration; and

''(v) the United States Coast Guard; and

''(B) between the Department of Homeland Security and other appropriate Federal agencies; and

''(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

''(d) REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.''.

SEC. 723. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than one State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada or Mexico, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada or Mexico at land and sea ports of entry.''; and

(2) by adding at the end the following new subparagraph:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to screen individuals participating in the pilot program against United States terrorist watch lists; and

''(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.''.

SEC. 724. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before the Secretary of Homeland Security publishes a final rule in the Federal Register implementing section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall complete a cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under such section 7209; and

(2) the Secretary of State shall develop proposals for reducing the execution fee charged for the passport card, proposed at 71 Fed. Reg. 60928–32 (October 17, 2006), including the use of mobile application teams, during implementation of the land and sea phase of the Western Hemisphere Travel Initiative, in order to encourage United States citizens to apply for the passport card.

SEC. 725. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH-VOLUME PORTS.—Subject to the availability of appropriations, not later than the end of fiscal year 2008 the Secretary of Homeland Security shall employ not fewer than an additional 200 Customs and Border Protection officers over the number of such positions for which funds were appropriated for the proceeding fiscal year to address staff shortages at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

Subtitle D—Miscellaneous Provisions

SEC. 731. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report regarding ongoing initiatives of the Department of Homeland Security to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit to Congress a report that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

SEC. 801. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

''SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

''(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

''(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

''(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

''(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that 'The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.'.

''(c) PURPOSE.—The Board shall—

''(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

''(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

''(d) FUNCTIONS.—

''(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

''(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

''(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

''(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

''(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

''(iii) that there are adequate guidelines and oversight to properly confine its use.

''(2) OVERSIGHT.—The Board shall continually review—

''(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

''(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

''(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions—

''(i) appropriately protect privacy and civil liberties; and

''(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

''(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

''(A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;

''(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

''(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

''(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

''(e) REPORTS.—

''(1) IN GENERAL.—The Board shall—

''(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

''(B) periodically submit, not less than semiannually, reports—

''(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(II) to the President; and

''(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

''(A) a description of the major activities of the Board during the preceding period;

''(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(D) each proposal reviewed by the Board under subsection (d)(1) that—

''(i) the Board advised against implementation; and

''(ii) notwithstanding such advice, actions were taken to implement; and

''(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

''(f) INFORMING THE PUBLIC.—The Board shall—

''(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(g) ACCESS TO INFORMATION.—

''(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

''(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

''(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

''(C) request information or assistance from any State, tribal, or local government; and

''(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) REVIEW OF SUBPOENA REQUEST.—

''(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

''(i) issue the subpoena as requested; or

''(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

''(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

''(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

''(h) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President, consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term; and

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

''(i) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—

''(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

''(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(j) STAFF.—

''(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

''(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

''(k) SECURITY CLEARANCES.—

''(1) IN GENERAL.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

''(2) RULES AND PROCEDURES.—After consultation with the Secretary of Defense, the Attorney

General, and the Director of National Intelligence, the Board shall adopt rules and procedures of the Board for physical, communications, computer, document, personnel, and other security relating to carrying out the functions of the Board.

''(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

''(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

''(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

''(1) For fiscal year 2008, $5,000,000.

''(2) For fiscal year 2009, $6,650,000.

''(3) For fiscal year 2010, $8,300,000.

''(4) For fiscal year 2011, $10,000,000.

''(5) For fiscal year 2012 and each subsequent fiscal year, such sums as may be necessary.''.

(b) SECURITY RULES AND PROCEDURES.—The Privacy and Civil Liberties Oversight Board shall promptly adopt the security rules and procedures required under section 1061(k)(2) of the National Security Intelligence Reform Act of 2004 (as added by subsection (a) of this section).

(c) TRANSITION PROVISIONS.—

(1) TREATMENT OF INCUMBENT MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—

(A) CONTINUATION OF SERVICE.—Any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act may continue to serve on the Board until 180 days after the date of enactment of this Act.

(B) TERMINATION OF TERMS.—The term of any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act shall terminate 180 days after the date of enactment of this Act.

(2) APPOINTMENTS.—

(A) IN GENERAL.—The President and the Senate shall take such actions as necessary for the President, by and with the advice and consent of the Senate, to appoint members to the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a) in a timely manner to provide for the continuing operation of the Board and orderly implementation of this section.

(B) DESIGNATIONS.—In making the appointments described under subparagraph (A) of the first members of the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a), the President shall provide for the members to serve terms of 2, 3, 4, 5, and 6 years beginning on the effective date described under subsection (d)(1), with the term of each such member to be designated by the President.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) and subsection (b) shall take effect 180 days after the date of enactment of this Act.

(2) TRANSITION PROVISIONS.—Subsection (c) shall take effect on the date of enactment of this Act.

SEC. 802. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official's judgment, necessary or desirable;

''(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION AND COORDINATION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

''(A) report to, and be under the general supervision of, the Secretary; and

''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

''(2) COORDINATION WITH THE INSPECTOR GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the senior official appointed under subsection (a) may investigate any matter relating to possible violations or abuse concerning the administration of any program or operation of the Department relevant to the purposes under this section.

''(B) COORDINATION.—

''(i) REFERRAL.—Before initiating any investigation described under subparagraph (A), the senior official shall refer the matter and all related complaints, allegations, and information to the Inspector General of the Department.

''(ii) DETERMINATIONS AND NOTIFICATIONS BY THE INSPECTOR GENERAL.—

''(I) IN GENERAL.—Not later than 30 days after the receipt of a matter referred under clause (i), the Inspector General shall—

''(aa) make a determination regarding whether the Inspector General intends to initiate an audit or investigation of the matter referred under clause (i); and

''(bb) notify the senior official of that determination.

''(II) INVESTIGATION NOT INITIATED.—If the Inspector General notifies the senior official under subclause (I)(bb) that the Inspector General intended to initiate an audit or investigation, but does not initiate that audit or investigation within 90 days after providing that notification, the Inspector General shall further notify the senior official that an audit or investigation was not initiated. The further notification under this subclause shall be made not later than 3 days after the end of that 90-day period.

''(iii) INVESTIGATION BY SENIOR OFFICIAL.—The senior official may investigate a matter referred under clause (i) if—

''(I) the Inspector General notifies the senior official under clause (ii)(I)(bb) that the Inspector General does not intend to initiate an audit or investigation relating to that matter; or

''(II) the Inspector General provides a further notification under clause (ii)(II) relating to that matter.

''(iv) PRIVACY TRAINING.—Any employee of the Office of Inspector General who audits or investigates any matter referred under clause (i) shall be required to receive adequate training on privacy laws, rules, and regulations, to be provided by an entity approved by the Inspector General in consultation with the senior official appointed under subsection (a).

''(d) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(1) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(2) include in any such notification the reasons for the removal or transfer.

''(e) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

''(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.''.

SEC. 803. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to serve as the principal advisor to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decision makers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

''Sec. 1062. Privacy and civil liberties officers.''.

SEC. 804. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Data Mining Reporting Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term ''data mining'' means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(2) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX.—

(A) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY.—Any annex described in clause (i)—

(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(ii) shall not be made available to the public.

(4) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

TITLE IX—PRIVATE SECTOR PREPAREDNESS

SEC. 901. PRIVATE SECTOR PREPAREDNESS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 409, is further amended by adding at the end the following:

''SEC. 523. GUIDANCE AND RECOMMENDATIONS.

''(a) IN GENERAL.—Consistent with their responsibilities and authorities under law, as of the day before the date of the enactment of this section, the Administrator and the Assistant Secretary for Infrastructure Protection, in consultation with the private sector, may develop guidance or recommendations and identify best practices to assist or foster action by the private sector in—

''(1) identifying potential hazards and assessing risks and impacts;

''(2) mitigating the impact of a wide variety of hazards, including weapons of mass destruction;

''(3) managing necessary emergency preparedness and response resources;

''(4) developing mutual aid agreements;

''(5) developing and maintaining emergency preparedness and response plans, and associated operational procedures;

''(6) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

''(7) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

''(8) developing procedures to respond to requests for information from the media or the public.

''(b) ISSUANCE AND PROMOTION.—Any guidance or recommendations developed or best practices identified under subsection (a) shall be—

''(1) issued through the Administrator; and

''(2) promoted by the Secretary to the private sector.

''(c) SMALL BUSINESS CONCERNS.—In developing guidance or recommendations or identifying best practices under subsection (a), the Administrator and the Assistant Secretary for Infrastructure Protection shall take into consideration small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)), including any need for separate guidance or recommendations or best practices, as necessary and appropriate.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede any requirement established under any other provision of law.

''SEC. 524. VOLUNTARY PRIVATE SECTOR PREPAREDNESS ACCREDITATION AND CERTIFICATION PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the officer designated under paragraph (2), shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section.

''(2) DESIGNATION OF OFFICER.—The Secretary shall designate an officer responsible for the accreditation and certification program under this section. Such officer (hereinafter referred to in this section as the 'designated officer') shall be one of the following:

''(A) The Administrator, based on consideration of—

''(i) the expertise of the Administrator in emergency management and preparedness in the United States; and

''(ii) the responsibilities of the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.

''(B) The Assistant Secretary for Infrastructure Protection, based on consideration of the expertise of the Assistant Secretary in, and responsibilities for—

''(i) protection of critical infrastructure;

''(ii) risk assessment methodologies; and

''(iii) interacting with the private sector on the issues described in clauses (i) and (ii).

''(C) The Under Secretary for Science and Technology, based on consideration of the expertise of the Under Secretary in, and responsibilities associated with, standards.

''(3) COORDINATION.—In carrying out the accreditation and certification program under this section, the designated officer shall coordinate with—

''(A) the other officers of the Department referred to in paragraph (2), using the expertise and responsibilities of such officers; and

''(B) the Special Assistant to the Secretary for the Private Sector, based on consideration of the expertise of the Special Assistant in, and responsibilities for, interacting with the private sector.

''(b) VOLUNTARY PRIVATE SECTOR PREPAREDNESS STANDARDS; VOLUNTARY ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.—

''(1) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall—

''(A) begin supporting the development and updating, as necessary, of voluntary preparedness standards through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards and voluntary consensus standards development organizations; and

''(B) in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups, such as sector coordinating councils and information sharing and analysis centers—

''(i) develop and promote a program to certify the preparedness of private sector entities that voluntarily choose to seek certification under the program; and

''(ii) implement the program under this subsection through any entity with which the designated officer enters into an agreement under paragraph (3)(A), which shall accredit third parties to carry out the certification process under this section.

''(2) PROGRAM ELEMENTS.—

''(A) IN GENERAL.—

''(i) PROGRAM.—The program developed and implemented under this subsection shall assess whether a private sector entity complies with voluntary preparedness standards.

''(ii) GUIDELINES.—In developing the program under this subsection, the designated officer shall develop guidelines for the accreditation and certification processes established under this subsection.

''(B) STANDARDS.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, representatives of appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers—

''(i) shall adopt one or more appropriate voluntary preparedness standards that promote preparedness, which may be tailored to address the unique nature of various sectors within the private sector, as necessary and appropriate, that shall be used in the accreditation and certification program under this subsection; and

''(ii) after the adoption of one or more standards under clause (i), may adopt additional voluntary preparedness standards or modify or discontinue the use of voluntary preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

''(C) SUBMISSION OF RECOMMENDATIONS.—In adopting one or more standards under subparagraph (B), the designated officer may receive recommendations from any entity described in that subparagraph relating to appropriate voluntary preparedness standards, including appropriate sector specific standards, for adoption in the program.

''(D) SMALL BUSINESS CONCERNS.—The designated officer and any entity with which the designated officer enters into an agreement under paragraph (3)(A) shall establish separate classifications and methods of certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this subsection.

''(E) CONSIDERATIONS.—In developing and implementing the program under this subsection, the designated officer shall—

''(i) consider the unique nature of various sectors within the private sector, including preparedness standards, business continuity standards, or best practices, established—

''(I) under any other provision of Federal law; or

''(II) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

''(ii) coordinate the program, as appropriate, with—

''(I) other Department private sector related programs; and

''(II) preparedness and business continuity programs in other Federal agencies.

''(3) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(A) AGREEMENT.—

''(i) IN GENERAL.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall enter into one or more agreements with a highly qualified nongovernmental entity with experience or expertise in coordinating and facilitating the development and use of voluntary consensus standards and in managing or implementing accreditation and certification programs for voluntary consensus standards, or a similarly qualified private sector entity, to carry out accreditations and oversee the certification process under this subsection. An entity entering into an agreement with the designated officer under this clause (hereinafter referred to in this section as a 'selected entity') shall not perform certifications under this subsection.

''(ii) CONTENTS.—A selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this subsection and accredit qualified third parties to carry out the certification program established under this subsection.

''(B) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(i) IN GENERAL.—Any selected entity shall collaborate to develop procedures and requirements for the accreditation and certification processes under this subsection, in accordance with the program established under this subsection and guidelines developed under paragraph (2)(A)(ii).

''(ii) CONTENTS AND USE.—The procedures and requirements developed under clause (i) shall—

''(I) ensure reasonable uniformity in any accreditation and certification processes if there is more than one selected entity; and

''(II) be used by any selected entity in conducting accreditations and overseeing the certification process under this subsection.

''(iii) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under clause (i) shall be resolved by the designated officer.

''(C) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this subsection.

''(D) DISADVANTAGED BUSINESS INVOLVEMENT.—In accrediting qualified third parties to carry out the certification process under this subsection, a selected entity shall ensure, to the extent practicable, that the third parties include qualified small, minority, women-owned, or disadvantaged business concerns when appropriate. The term 'disadvantaged business concern' means a small business that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 124 of title 13, United States Code of Federal Regulations.

''(E) TREATMENT OF OTHER CERTIFICATIONS.—At the request of any entity seeking certification, any selected entity may consider, as appropriate, other relevant certifications acquired by the entity seeking certification. If the selected entity determines that such other certifications are sufficient to meet the certification requirement or aspects of the certification requirement under this section, the selected entity may give credit to the entity seeking certification, as appropriate, to avoid unnecessarily duplicative certification requirements.

''(F) THIRD PARTIES.—To be accredited under subparagraph (C), a third party shall—

''(i) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under subparagraph (B);

''(ii) agree to perform certifications in accordance with such procedures and requirements;

''(iii) agree not to have any beneficial interest in or any direct or indirect control over—

''(I) a private sector entity for which that third party conducts a certification under this subsection; or

''(II) any organization that provides preparedness consulting services to private sector entities;

''(iv) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this subsection;

''(v) maintain liability insurance coverage at policy limits in accordance with the requirements developed under subparagraph (B); and

''(vi) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this subsection.

''(G) MONITORING.—

''(i) IN GENERAL.—The designated officer and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this subsection to ensure that the third party is complying with the procedures and requirements established under subparagraph (B) and all other applicable requirements.

''(ii) REVOCATION.—If the designated officer or any selected entity determines that a third party is not meeting the procedures or requirements established under subparagraph (B), the selected entity shall—

''(I) revoke the accreditation of that third party to conduct certifications under this subsection; and

''(II) review any certification conducted by that third party, as necessary and appropriate.

''(4) ANNUAL REVIEW.—

''(A) IN GENERAL.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, appropriate representatives of State and local governments, including emergency management officials, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this subsection to ensure the effectiveness of such program (including the operations and management of such program by any selected entity and the selected entity's inclusion of qualified disadvantaged business concerns under paragraph (3)(D)) and make improvements and adjustments to the program as necessary and appropriate.

''(B) REVIEW OF STANDARDS.—Each review under subparagraph (A) shall include an assessment of the voluntary preparedness standard or standards used in the program under this subsection.

''(5) VOLUNTARY PARTICIPATION.—Certification under this subsection shall be voluntary for any private sector entity.

''(6) PUBLIC LISTING.—The designated officer shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this subsection, if that private sector entity consents to such listing.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

''(1) a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established—

''(A) under any other provision of federal law; or

''(B) by any sector-specific agency, as those agencies are defined under Homeland Security Presidential Directive-7; or

''(2) exempting any private sector entity seeking certification or meeting certification requirements under subsection (b) from compliance with all applicable statutes, regulations, directives, policies, and industry codes of practice.''.

(b) REPORT TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing—

(1) any action taken to implement section 524(b) of the Homeland Security Act of 2002, as added by subsection (a), including a discussion of—

(A) the separate methods of classification and certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) as compared to other private sector entities; and

(B) whether the separate classifications and methods of certification for small business concerns are likely to help to ensure that such measures are not overly burdensome and are adequate to meet the voluntary preparedness standard or standards adopted by the program under section 524(b) of the Homeland Security Act of 2002, as added by subsection (a); and

(2) the status, as of the date of that report, of the implementation of that subsection.

(c) DEADLINE FOR DESIGNATION OF OFFICER.—The Secretary of Homeland Security shall designate the officer as described in section 524 of the Homeland Security Act of 2002, as added by subsection (a), by not later than 30 days after the date of the enactment of this Act.

(d) DEFINITION.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

''(18) The term 'voluntary preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).''.

(e) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is further amended by adding at the end the following:

''Sec. 523. Guidance and recommendations.
''Sec. 524. Voluntary private sector preparedness accreditation and certification program.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 902. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) IN GENERAL.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) providing information to the private sector regarding voluntary preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary preparedness standards;''.

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary preparedness standards to the private sector; and

''(ii) assisting the private sector in adopting voluntary preparedness standards;''.

TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

SEC. 1001. NATIONAL ASSET DATABASE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002, as amended by title V, is further amended by adding at the end the following new section:

''SEC. 210E. NATIONAL ASSET DATABASE.

''(a) ESTABLISHMENT.—

''(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of each system or asset that—

''(A) the Secretary, in consultation with appropriate homeland security officials of the States, determines to be vital and the loss, interruption, incapacity, or destruction of which would have a negative or debilitating effect on the economic security, public health, or safety of the United States, any State, or any local government; or

''(B) the Secretary determines is appropriate for inclusion in the database.

''(2) PRIORITIZED CRITICAL INFRASTRUCTURE LIST.—In accordance with Homeland Security Presidential Directive-7, as in effect on January 1, 2007, the Secretary shall establish and maintain a single classified prioritized list of systems and assets included in the database under paragraph (1) that the Secretary determines would, if destroyed or disrupted, cause national or regional catastrophic effects.

''(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)(1) in the development and implementation of Department plans and programs as appropriate.

''(c) MAINTENANCE OF DATABASE.—

''(1) IN GENERAL.—The Secretary shall maintain and annually update the database established under subsection (a)(1) and the list established under subsection (a)(2), including—

''(A) establishing data collection guidelines and providing such guidelines to the appropriate homeland security official of each State;

''(B) regularly reviewing the guidelines established under subparagraph (A), including by consulting with the appropriate homeland security officials of States, to solicit feedback about the guidelines, as appropriate;

''(C) after providing the homeland security official of a State with the guidelines under subparagraph (A), allowing the official a reasonable amount of time to submit to the Secretary any data submissions recommended by the official for inclusion in the database established under subsection (a)(1);

''(D) examining the contents and identifying any submissions made by such an official that are described incorrectly or that do not meet the guidelines established under subparagraph (A); and

''(E) providing to the appropriate homeland security official of each relevant State a list of submissions identified under subparagraph (D) for review and possible correction before the Secretary finalizes the decision of which submissions will be included in the database established under subsection (a)(1).

''(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall organize the contents of the database established under subsection (a)(1) and the list established under subsection (a)(2) as the Secretary determines is appropriate. Any organizational structure of such contents shall include the categorization of the contents—

''(A) according to the sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive-7; and

''(B) by the State and county of their location.

''(3) PRIVATE SECTOR INTEGRATION.—The Secretary shall identify and evaluate methods, including the Department's Protected Critical Infrastructure Information Program, to acquire relevant private sector information for the purpose of using that information to generate any database or list, including the database established under subsection (a)(1) and the list established under subsection (a)(2).

''(4) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

''(d) REPORTS.—

''(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the database established under subsection (a)(1) and the list established under subsection (a)(2).

''(2) CONTENTS OF REPORT.—Each such report shall include the following:

''(A) The name, location, and sector classification of each of the systems and assets on the list established under subsection (a)(2).

''(B) The name, location, and sector classification of each of the systems and assets on such list that are determined by the Secretary to be most at risk to terrorism.

''(C) Any significant challenges in compiling the list of the systems and assets included on such list or in the database established under subsection (a)(1).

''(D) Any significant changes from the preceding report in the systems and assets included on such list or in such database.

''(E) If appropriate, the extent to which such database and such list have been used, individually or jointly, for allocating funds by the Federal Government to prevent, reduce, mitigate, or respond to acts of terrorism.

''(F) The amount of coordination between the Department and the private sector, through any entity of the Department that meets with representatives of private sector industries for purposes of such coordination, for the purpose of ensuring the accuracy of such database and such list.

''(G) Any other information the Secretary deems relevant.

''(3) CLASSIFIED INFORMATION.—The report shall be submitted in unclassified form but may contain a classified annex.

''(e) INSPECTOR GENERAL STUDY.—By not later than two years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct a study of the implementation of this section.

''(f) NATIONAL INFRASTRUCTURE PROTECTION CONSORTIUM.—The Secretary may establish a consortium to be known as the 'National Infrastructure Protection Consortium'. The Consortium may advise the Secretary on the best way to identify, generate, organize, and maintain any database or list of systems and assets established by the Secretary, including the database established under subsection (a)(1) and the list established under subsection (a)(2). If the Secretary establishes the National Infrastructure Protection Consortium, the Consortium may—

''(1) be composed of national laboratories, Federal agencies, State and local homeland security organizations, academic institutions, or national Centers of Excellence that have demonstrated experience working with and identifying critical infrastructure and key resources; and

''(2) provide input to the Secretary on any request pertaining to the contents of such database or such list.''.

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit the first report required under section 210E(d) of the Homeland Security Act of 2002, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210D the following:

''Sec. 210E. National Asset Database.''.

SEC. 1002. RISK ASSESSMENTS AND REPORT.

(a) RISK ASSESSMENTS.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following new paragraph:

''(25) To prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security in the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, for each sector identified in the National Infrastructure Protection Plan, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection. Each such report—

''(A) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments;

''(B) shall be required for fiscal year 2007 and each subsequent fiscal year and shall be submitted not later than 35 days after the last day of the fiscal year covered by the report; and

''(C) may be classified.''.

(b) REPORT ON INDUSTRY PREPAREDNESS.—Not later than 6 months after the last day of fiscal year 2007 and each subsequent fiscal year, the Secretary of Homeland Security, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy, shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry to reduce interruption of critical infrastructure and key resource operations during an act of terrorism, natural catastrophe, or other similar national emergency.

SEC. 1003. SENSE OF CONGRESS REGARDING THE INCLUSION OF LEVEES IN THE NATIONAL INFRASTRUCTURE PROTECTION PLAN.

It is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resources sectors identified in the National Infrastructure Protection Plan.

TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1101. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

''(a) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center (referred to in this section as the 'NBIC'), which shall be headed by a Directing Officer, under an office or directorate of the Department that is in existence as of the date of the enactment of this section.

''(b) PRIMARY MISSION.—The primary mission of the NBIC is to—

''(1) enhance the capability of the Federal Government to—

''(A) rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international); and

''(B) disseminate alerts and other information to Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern; and

''(2) oversee development and operation of the National Biosurveillance Integration System.

''(c) REQUIREMENTS.—The NBIC shall detect, as early as possible, a biological event of national concern that presents a risk to the United States or the infrastructure or key assets of the United States, including by—

''(1) consolidating data from all relevant surveillance systems maintained by Member Agencies to detect biological events of national concern across human, animal, and plant species;

''(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

''(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national concern in as close to real-time as is practicable;

''(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

''(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

''(6) alerting Member Agencies and, in coordination with (and where possible through) Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national concern.

''(d) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

''(1) IN GENERAL.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, monitor the availability and appropriateness of surveillance systems used by the NBIC and those systems that could enhance biological situational awareness or the overall performance of the NBIC;

''(B) on an ongoing basis, review and seek to improve the statistical and other analytical methods used by the NBIC;

''(C) receive and consider other relevant homeland security information, as appropriate; and

''(D) provide technical assistance, as appropriate, to all Federal, regional, State, local, and

tribal government entities and private sector entities that contribute data relevant to the operation of the NBIC.

''(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, evaluate available data for evidence of a biological event of national concern; and

''(B) integrate homeland security information with NBIC data to provide overall situational awareness and determine whether a biological event of national concern has occurred.

''(3) INFORMATION SHARING.—

''(A) IN GENERAL.—The Directing Officer of the NBIC shall—

''(i) establish a method of real-time communication with the National Operations Center;

''(ii) in the event that a biological event of national concern is detected, notify the Secretary and disseminate results of NBIC assessments relating to that biological event of national concern to appropriate Federal response entities and, in coordination with relevant Member Agencies, regional, State, local, and tribal governmental response entities in a timely manner;

''(iii) provide any report on NBIC assessments to Member Agencies and, in coordination with relevant Member Agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national concern; and

''(iv) share NBIC incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established under that section.

''(B) CONSULTATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) consistent with the policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in consultation with the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

''(e) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

''(1) IN GENERAL.—Each Member Agency shall—

''(A) use its best efforts to integrate biosurveillance information into the NBIC, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national concern;

''(B) provide timely information to assist the NBIC in maintaining biological situational awareness for accurate detection and response purposes;

''(C) enable the NBIC to receive and use biosurveillance information from member agencies to carry out its requirements under subsection (c);

''(D) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually agreed protocols that are consistent with subsection (c)(5);

''(E) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing;

''(F) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC; and

''(G) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable.

''(f) ADMINISTRATIVE AUTHORITIES.—

''(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIC.

''(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

''(g) NBIC INTERAGENCY WORKING GROUP.—The Directing Officer of the NBIC shall—

''(1) establish an interagency working group to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

''(2) invite Member Agencies to serve on that working group.

''(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(j) DEFINITIONS.—In this section:

''(1) The terms 'biological agent' and 'toxin' have the meanings given those terms in section 178 of title 18, United States Code.

''(2) The term 'biological event of national concern' means—

''(A) an act of terrorism involving a biological agent or toxin; or

''(B) a naturally occurring outbreak of an infectious disease that may result in a national epidemic.

''(3) The term 'homeland security information' has the meaning given that term in section 892.

''(4) The term 'Member Agency' means any Federal department or agency that, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC.

''(5) The term 'Privacy Officer' means the Privacy Officer appointed under section 222.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

''Sec. 316. National Biosurveillance Integration Center.''.

(c) DEADLINE FOR IMPLEMENTATION.—The National Biosurveillance Integration Center under section 316 of the Homeland Security Act, as added by subsection (a), shall be fully operational by not later than September 30, 2008;

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an interim report on the status of the operations at the National Biosurviellance Integration Center that addresses the efforts of the Center to integrate the surveillance efforts of Federal, State, local, and tribal governments. When the National Biosurveillance Integration Center is fully operational, the Secretary shall submit to such committees a final report on the status of such operations.

SEC. 1102. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit to Congress a report —

(1) describing the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) describing any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) providing the recommendations of the Comptroller General regarding—

(A) the integration of biosurveillance systems;

(B) the effective use of biosurveillance resources; and

(C) the effective use of the expertise of Federal, State, local, and tribal governments.

SEC. 1103. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 1906, as redesignated by section 104, the following:

"SEC. 1907. JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

''(A) each relevant agency, office, or entity—

''(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and

''(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction; and

''(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—

''(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;

''(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and

''(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

''(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of radiation detection technologies deployed or implemented in support of the domestic portion of the global nuclear detection architecture.

''(b) ANNUAL REPORT ON JOINT INTERAGENCY REVIEW.—

''(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall jointly submit a report regarding the implementation of this section and the results of the reviews required under subsection (a) to—

''(A) the President;

''(B) the Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Science and Technology of the House of Representatives.

''(2) FORM.—The annual report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

''(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 104, the following:

''Sec. 1907. Joint annual interagency review of global nuclear detection architecture.''.

SEC. 1104. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) RESPONSIBILITY OF SECRETARY.—The Secretary of Homeland Security shall have responsibility for ensuring that domestic chemical, biological, radiological, and nuclear detection equipment and technologies are integrated, as appropriate, with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 1201. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1202. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal security plans addressing security risks, including threats, vulnerabilities, and consequences, for aviation, railroad, ferry, highway, maritime, pipeline, public transportation, over-the-road bus, and other transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted or received by the Secretary of Homeland Security (including assessments conducted under the Implementing Recommendations of the 9/11 Commission Act of 2007'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting ''local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities, including nonprofit employee labor organizations,'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security or the Secretary of Transportation before the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.''; and

(5) by adding at the end the following:

''(G) A 3- and 10-year budget for Federal transportation security programs that will achieve the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation.

''(I) Transportation modal security plans described in paragraph (1)(B), including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or other incident. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942) and the National Maritime Transportation Security Plan required under section 70103(a) of title 46.''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i) by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants and contracts for research and development, awarded by the Secretary of Homeland Security in the most recent fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recent fiscal year for transportation security, by mode;

''(bb) personnel working on transportation security by mode, including the number of contractors; and

''(cc) information on the turnover in the previous year among senior staff of the Department of Homeland Security, including component agencies, working on transportation security issues. Such information shall include the number of employees who have permanently left the office, agency, or area in which they worked, and the amount of time that they worked for the Department.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each fiscal year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any Federal transportation security activity that is inconsistent with the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved.''; and

(2) by striking subparagraph (E) and inserting the following:

''(E) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available and appropriately publicize an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders, including nonprofit employee labor organizations representing transportation employees, institutions of higher learning, and other appropriate entities.''.

SEC. 1203. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (2).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations representing transportation employees.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, public transportation, railroad, ferry, highway, maritime, pipeline, and over-the-road bus transportation, and may include specific and general intelligence products, as appropriate.

''(2) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the Plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

''(3) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(4) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center described in section 1410 of the Implementing Recommendations of the 9/11 Commission Act of 2007;

''(B) the establishment of a point of contact, which may be a single point of contact within the Department of Homeland Security, for each mode of transportation for the sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

''(C) a reasonable deadline by which the Plan will be implemented; and

''(D) a description of resource needs for fulfilling the Plan.

''(5) COORDINATION WITH INFORMATION SHARING .—The Plan shall be—

''(A) implemented in coordination, as appropriate, with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with the establishment of the information sharing environment and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of the information sharing environment.

''(6) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 150 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the appropriate congressional committees, a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report on updates to and the implementation of the Plan.

''(7) SURVEY AND REPORT.—

''(A) IN GENERAL.—The Comptroller General of the United States shall conduct a biennial survey of the satisfaction of recipients of transportation intelligence reports disseminated under the Plan.

''(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated by the Department of Homeland Security to public and private stakeholders.

''(C) REPORT.—Not later than 1 year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and every even numbered year thereafter, the Comptroller General shall submit to the appropriate congressional committees, a report on the results of the survey conducted under subparagraph (A). The Comptroller General shall also provide a copy of the report to the Secretary.

''(8) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for designated public and private stakeholders to receive and obtain access to classified information distributed under this section, as appropriate.

''(9) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide designated public and private stakeholders with transportation security information in an unclassified format.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) the number of public and private stakeholders who were provided with each report;

(B) a description of the measures the Secretary has taken, under section 114(u)(7) of title 49, United States Code, as added by this section, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the Plan; and

(C) an explanation of the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

(b) MEMBERS.—Members of the National Domestic Preparedness Consortium shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site;

(6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and

(7) the National Disaster Preparedness Training Center, University of Hawaii.

(c) DUTIES.—The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for the Center for Domestic Preparedness—

(A) $57,000,000 for fiscal year 2008;

(B) $60,000,000 for fiscal year 2009;

(C) $63,000,000 for fiscal year 2010; and

(D) $66,000,000 for fiscal year 2011; and

(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center, the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

(A) $22,000,000 for fiscal year 2008;

(B) $23,000,000 for fiscal year 2009;

(C) $24,000,000 for fiscal year 2010; and

(D) $25,500,000 for fiscal year 2011.

(e) SAVINGS PROVISION.—From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year 2007:

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University; and

(5) the National Exercise, Test, and Training Center, Nevada Test Site.

SEC. 1205. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals.

(b) DESIGNATION.—The Secretary shall select one of the institutions identified in subsection (c) as the lead institution responsible for coordinating the National Transportation Security Center of Excellence.

(c) MEMBER INSTITUTIONS.—

(1) CONSORTIUM.—The institution of higher education selected under subsection (b) shall execute agreements with the other institutions of higher education identified in this subsection and other institutions designated by the Secretary to develop a consortium to assist in accomplishing the goals of the Center.

(2) MEMBERS.—The National Transportation Security Center of Excellence shall consist of—

(A) Texas Southern University in Houston, Texas;

(B) the National Transit Institute at Rutgers, The State University of New Jersey;

(C) Tougaloo College;

(D) the Connecticut Transportation Institute at the University of Connecticut;

(E) the Homeland Security Management Institute, Long Island University;

(F) the Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas; and

(G) any additional institutions or facilities designated by the Secretary.

(3) CERTAIN INCLUSIONS.—To the extent practicable, the Secretary shall ensure that an appropriate number of any additional consortium colleges or universities designated by the Secretary under this subsection are Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $18,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009;

(3) $18,000,000 for fiscal year 2010; and

(4) $18,000,000 for fiscal year 2011.

SEC. 1206. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by subsection (d)(1)(A) not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—

(A) any employee or agent of a passenger transportation system or other person with responsibilities relating to the security of such systems;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice with responsibilities relating to the security of passenger transportation systems; or

(C) any Federal, State, or local law enforcement officer.

(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a passenger transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

(A) a threat to a passenger transportation system or passenger safety or security; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) PASSENGER TRANSPORTATION.—The term ''passenger transportation'' means—

(A) public transportation, as defined in section 5302 of title 49, United States Code;

(B) over-the-road bus transportation, as defined in title XV of this Act, and school bus transportation;

(C) intercity passenger rail transportation as defined in section 24102 of title 49, United States Code;

(D) the transportation of passengers onboard a passenger vessel as defined in section 2101 of title 46, United States Code;

(E) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(F) air transportation, as defined in section 40102 of title 49, United States Code, of passengers.

(4) PASSENGER TRANSPORTATION SYSTEM.—The term ''passenger transportation system'' means an entity or entities organized to provide passenger transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 2006, and shall apply to all activities and claims occurring on or after such date.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

SEC. 1301. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) STATE.—The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(5) TERRORISM.—The term ''terrorism'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(6) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

SEC. 1302. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1203 of this Act, is further amended by adding at the end the following:

''(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and under a provision of this title other than a provision of chapter 449 (in this subsection referred to as an 'applicable provision of this title').

''(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed and orders issued by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

''(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

''(i) Paragraphs (2) through (5) do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

''(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

''(II) by a member of the armed forces of the United States when performing official duties; or

''(III) by a civilian employee of the Department of Defense when performing official duties.

''(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

''(2) CIVIL PENALTY.—

''(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.

''(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

''(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary shall give written notice of the finding of a violation and the penalty.

''(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, a court may not re-examine issues of liability or the amount of the penalty.

''(C) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

''(i) the amount in controversy is more than—

''(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(II) $50,000 if the violation was committed by an individual or small business concern;

''(ii) the action is in rem or another action in rem based on the same violation has been brought; or

''(iii) another action has been brought for an injunction based on the same violation.

''(D) MAXIMUM PENALTY.—The maximum civil penalty the Secretary administratively may impose under this paragraph is—

''(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

''(ii) $50,000, if the violation was committed by an individual or small business concern.

''(E) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—

''(i) written notice of the proposed penalty; and

''(ii) the opportunity to request a hearing on the proposed penalty, if the Secretary receives the request not later than 30 days after the date on which the person receives notice.

''(4) COMPROMISE AND SETOFF.—

''(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection.

''(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

''(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

''(6) DEFINITIONS.—In this subsection:

''(A) PERSON.—The term 'person' does not include—

''(i) the United States Postal Service; or

''(ii) the Department of Defense.

''(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

''(7) ENFORCEMENT TRANSPARENCY.—

''(A) IN GENERAL.—Not later than December 31, 2008, and annually thereafter, the Secretary shall—

''(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and

''(ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.

''(B) ELECTRONIC AVAILABILITY.—Each summary under this paragraph shall be made available to the public by electronic means.

''(C) RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT.—Nothing in this subsection shall be construed to require disclosure of information or records that are exempt from disclosure under sections 552 or 552a of title 5.

''(D) ENFORCEMENT GUIDANCE.—Not later than 180 days after the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary shall provide a report to the public describing the enforcement process established under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code, is

amended by striking ''or another requirement under this title administered by the Under Secretary of Transportation for Security''.

SEC. 1303. AUTHORIZATION OF VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAMS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, may develop Visible Intermodal Prevention and Response (referred to in this section as ''VIPR'') teams to augment the security of any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—

(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;

(2) may determine when a VIPR team shall be deployed, as well as the duration of the deployment;

(3) shall, prior to and during the deployment, consult with local security and law enforcement officials in the jurisdiction where the VIPR team is or will be deployed, to develop and agree upon the appropriate operational protocols and provide relevant information about the mission of the VIPR team, as appropriate; and

(4) shall, prior to and during the deployment, consult with all transportation entities directly affected by the deployment of a VIPR team, as appropriate, including railroad carriers, air carriers, airport owners, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, port operators and facility owners, vessel owners and operators and pipeline operators.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as necessary for fiscal years 2007 through 2011.

SEC. 1304. SURFACE TRANSPORTATION SECURITY INSPECTORS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to train, employ, and utilize surface transportation security inspectors.

(b) MISSION.—The Secretary shall use surface transportation security inspectors to assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attack and other security threats and to assist the Secretary in enforcing applicable surface transportation security regulations and directives.

(c) AUTHORITIES.—Surface transportation security inspectors employed pursuant to this section shall be authorized such powers and delegated such responsibilities as the Secretary determines appropriate, subject to subsection (e).

(d) REQUIREMENTS.—The Secretary shall require that surface transportation security inspectors have relevant transportation experience and other security and inspection qualifications, as determined appropriate.

(e) LIMITATIONS.—

(1) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders except through the process described in paragraph (2).

(2) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders, except in accordance with the following:

(A) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(B) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.

(3) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for, and expenditure of, funds awarded under transportation security grant programs under this Act.

(f) NUMBER OF INSPECTORS.—The Secretary shall employ up to a total of—

(1) 100 surface transportation security inspectors in fiscal year 2007;

(2) 150 surface transportation security inspectors in fiscal year 2008;

(3) 175 surface transportation security inspectors in fiscal year 2009; and

(4) 200 surface transportation security inspectors in fiscal years 2010 and 2011.

(g) COORDINATION.—The Secretary shall ensure that the mission of the surface transportation security inspectors is consistent with any relevant risk assessments required by this Act or completed by the Department, the modal plans required under section 114(t) of title 49, United States Code, the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and other relevant documents setting forth the Department's transportation security strategy, as appropriate.

(h) CONSULTATION.—The Secretary shall periodically consult with the surface transportation entities which are or may be inspected by the surface transportation security inspectors, including, as appropriate, railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, and pipeline operators on—

(1) the inspectors' duties, responsibilities, authorities, and mission; and

(2) strategies to improve transportation security and to ensure compliance with transportation security requirements.

(i) REPORT.—Not later than September 30, 2008, the Department of Homeland Security Inspector General shall transmit a report to the appropriate congressional committees on the performance and effectiveness of surface transportation security inspectors, whether there is a need for additional inspectors, and other recommendations.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $11,400,000 for fiscal year 2007;

(2) $17,100,000 for fiscal year 2008;

(3) $19,950,000 for fiscal year 2009;

(4) $22,800,000 for fiscal year 2010; and

(5) $22,800,000 for fiscal year 2011.

SEC. 1305. SURFACE TRANSPORTATION SECURITY TECHNOLOGY INFORMATION SHARING.

(a) IN GENERAL.—

(1) INFORMATION SHARING.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities, including railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, pipeline operators, and State, local, and tribal governments that provide security assistance to such entities.

(2) DESIGNATION OF QUALIFIED ANTITERRORISM TECHNOLOGIES.—The Secretary shall include in such information provided in paragraph (1) whether the technology is designated as a qualified antiterrorism technology under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (Public Law 107–296), as appropriate.

(b) PURPOSE.—The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

(c) COORDINATION.—The Secretary shall ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

SEC. 1306. TSA PERSONNEL LIMITATIONS.

Any statutory limitation on the number of employees in the Transportation Security Administration does not apply to employees carrying out this title and titles XII, XIV, and XV.

SEC. 1307. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING PROGRAM.

(a) DEFINITIONS.—For purposes of this section, the term ''explosives detection canine team'' means a canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary.

(b) IN GENERAL.—

(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(A) begin to increase the number of explosives detection canine teams certified by the Transportation Security Administration for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010; and

(B) encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

(2) EXPLOSIVES DETECTION CANINE TEAMS.—The Secretary of Homeland Security shall increase the number of explosives detection canine teams by—

(A) using the Transportation Security Administration's National Explosives Detection Canine Team Training Center, including expanding and upgrading existing facilities, procuring and breeding additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities;

(B) partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams;

(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector provided they are trained in a manner consistent with the standards and requirements developed pursuant to subsection (c) or other criteria developed by the Secretary; or

(D) a combination of subparagraphs (A), (B), and (C), as appropriate.

(c) STANDARDS FOR EXPLOSIVES DETECTION CANINE TEAMS.—

(1) IN GENERAL.—Based on the feasibility in meeting the ongoing demand for quality explosives detection canine teams, the Secretary shall establish criteria, including canine training curricula, performance standards, and other requirements approved by the Transportation Security Administration necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

(2) EXPANSION.—In developing and implementing such curriculum, performance standards, and other requirements, the Secretary shall—

(A) coordinate with key stakeholders, including international, Federal, State, and local officials, and private sector and academic entities to develop best practice guidelines for such a standardized program, as appropriate;

(B) require that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and

(C) review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

(d) DEPLOYMENT.—The Secretary shall—

(1) use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network, and may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate by the Secretary;

(2) make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary;

(3) encourage, but not require, any transportation facility or system to deploy TSA-certified explosives detection canine teams developed under this section; and

(4) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's transportation network, including in venues of multiple modes of transportation, as appropriate.

(e) CANINE PROCUREMENT.—The Secretary, acting through the Administrator of the Transportation Security Administration, shall work to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price, while maintaining the needed level of quality, including, if appropriate, through increased domestic breeding.

(f) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate congressional committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program.

(g) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2007 through 2011.

SEC. 1308. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security, including vessel and facility plans required under section 70103(c) of title 46, United States Code. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3) an assessment of—

(A) the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroad carriers, motor carriers, pipelines, other transportation modes, and shippers;

(4) the private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) PORT OF ENTRY.—The term ''port of entry'' means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(2) MARITIME AND SURFACE TRANSPORTATION.—The term ''maritime and surface transportation'' includes ocean borne and vehicular transportation.

SEC. 1309. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a crime under a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material in violation of section 5104(b) of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 or section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act, or a comparable State law, if one of the predicate acts found by a jury or admitted by the defendant consists of one of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the U.S. Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnaping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport in violation of section 1036 of title 18, or a comparable State law.

''(xv) A violation of the chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(C) UNDER WANT, WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in paragraph (1)(A), is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.

''(E) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add to or modify the list of disqualifying crimes described in paragraph (1)(B).''.

SEC. 1310. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out this title and titles XII, XIV, and XV are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; The Homeland Security Act of 2002; The National Response Plan; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004 and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

SEC. 1401. SHORT TITLE.

This title may be cited as the ''National Transit Systems Security Act of 2007''.

SEC. 1402. DEFINITIONS.

For purposes of this title, the following terms apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) DISADVANTAGED BUSINESSES CONCERNS.—The term ''disadvantaged business concerns'' means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, title 13, Code of Federal Regulations.

(4) FRONTLINE EMPLOYEE.—The term ''frontline employee'' means an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Secretary determines should receive security training under section 1408.

(5) PUBLIC TRANSPORTATION AGENCY.—The term ''public transportation agency'' means a publicly owned operator of public transportation eligible to receive Federal assistance under chapter 53 of title 49, United States Code.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1403. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary targets of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $93,800,000,000 since 1992 for construction and improvements;

(5) the Federal investment in transit security has been insufficient; and

(6) greater Federal investment in transit security improvements per passenger boarding is necessary to better protect the American people, given transit's vital importance in creating mobility and promoting our Nation's economy.

SEC. 1404. NATIONAL STRATEGY FOR PUBLIC TRANSPORTATION SECURITY.

(a) NATIONAL STRATEGY.—Not later than 9 months after the date of enactment of this Act and based upon the previous and ongoing security assessments conducted by the Department and the Department of Transportation, the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for public transportation, entitled the ''National Strategy for Public Transportation Security''.

(b) PURPOSE.—

(1) GUIDELINES.—In developing the National Strategy for Public Transportation Security, the Secretary shall establish guidelines for public transportation security that—

(A) minimize security threats to public transportation systems; and

(B) maximize the abilities of public transportation systems to mitigate damage resulting from terrorist attack or other major incident.

(2) ASSESSMENTS AND CONSULTATIONS.—In developing the National Strategy for Public Transportation Security, the Secretary shall—

(A) use established and ongoing public transportation security assessments as the basis of the National Strategy for Public Transportation Security; and

(B) consult with all relevant stakeholders, including public transportation agencies, nonprofit labor organizations representing public transportation employees, emergency responders, public safety officials, and other relevant parties.

(c) CONTENTS.—In the National Strategy for Public Transportation Security, the Secretary shall describe prioritized goals, objectives, policies, actions, and schedules to improve the security of public transportation.

(d) RESPONSIBILITIES.—The Secretary shall include in the National Strategy for Public Transportation Security a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, tribal governments, and appropriate stakeholders. The plan shall also include—

(1) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities of Federal agencies; and

(2) a process for coordinating existing or future security strategies and plans for public transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; and subsequent annexes and agreements.

(e) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the National Strategy for Public Transportation Security, the Secretary shall use relevant existing risk assessments and strategies developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive 7.

(f) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for fiscal year 2008.

SEC. 1405. SECURITY ASSESSMENTS AND PLANS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) SECRETARIAL REVIEW.—Not later than 60 days after receiving the submission under paragraph (1), the Secretary shall review and augment the security assessments received, and conduct additional security assessments as necessary to ensure that at a minimum, all high risk public transportation agencies, as determined by the Secretary, will have a completed security assessment.

(3) CONTENT.—The Secretary shall ensure that each completed security assessment includes—

(A) identification of critical assets, infrastructure, and systems and their vulnerabilities; and

(B) identification of any other security weaknesses, including weaknesses in emergency response planning and employee training.

(b) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) conduct security assessments, based on a representative sample, to determine the specific needs of—

(A) local bus-only public transportation systems; and

(B) public transportation systems that receive funds under section 5311 of title 49, United States Code; and

(2) make the representative assessments available for use by similarly situated systems.

(c) SECURITY PLANS.—

(1) REQUIREMENT FOR PLAN.—

(A) HIGH RISK AGENCIES.—The Secretary shall require public transportation agencies determined by the Secretary to be at high risk for terrorism to develop a comprehensive security plan. The Secretary shall provide technical assistance and guidance to public transportation agencies in preparing and implementing security plans under this section.

(B) OTHER AGENCIES.—Provided that no public transportation agency that has not been designated high risk shall be required to develop a security plan, the Secretary may also establish a security program for public transportation agencies not designated high risk by the Secretary, to assist those public transportation agencies which request assistance, including—

(i) guidance to assist such agencies in conducting security assessments and preparing and implementing security plans; and

(ii) a process for the Secretary to review and approve such assessments and plans, as appropriate.

(2) CONTENTS OF PLAN.—The Secretary shall ensure that security plans include, as appropriate—

(A) a prioritized list of all items included in the public transportation agency's security assessment that have not yet been addressed;

(B) a detailed list of any additional capital and operational improvements identified by the Department or the public transportation agency and a certification of the public transportation agency's technical capacity for operating and maintaining any security equipment that may be identified in such list;

(C) specific procedures to be implemented or used by the public transportation agency in response to a terrorist attack, including evacuation and passenger communication plans and appropriate evacuation and communication measures for the elderly and individuals with disabilities;

(D) a coordinated response plan that establishes procedures for appropriate interaction with State and local law enforcement agencies, emergency responders, and Federal officials in order to coordinate security measures and plans for response in the event of a terrorist attack or other major incident;

(E) a strategy and timeline for conducting training under section 1408;

(F) plans for providing redundant and other appropriate backup systems necessary to ensure the continued operation of critical elements of the public transportation system in the event of a terrorist attack or other major incident;

(G) plans for providing service capabilities throughout the system in the event of a terrorist attack or other major incident in the city or region which the public transportation system serves;

(H) methods to mitigate damage within a public transportation system in case of an attack on the system, including a plan for communication and coordination with emergency responders; and

(I) other actions or procedures as the Secretary determines are appropriate to address the security of the public transportation system.

(3) REVIEW.—Not later than 6 months after receiving the plans required under this section, the Secretary shall—

(A) review each security plan submitted;

(B) require the public transportation agency to make any amendments needed to ensure that the plan meets the requirements of this section; and

(C) approve any security plan that meets the requirements of this section.

(4) EXEMPTION.—The Secretary shall not require a public transportation agency to develop a security plan under paragraph (1) if the agency does not receive a grant under section 1406.

(5) WAIVER.—The Secretary may waive the exemption provided in paragraph (4) to require a public transportation agency to develop a security plan under paragraph (1) in the absence of grant funds under section 1406 if not less than 3 days after making the determination the Secretary provides the appropriate congressional committees and the public transportation agency written notification detailing the need for the security plan, the reasons grant funding has not been made available, and the reason the agency has been designated high risk.

(d) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by public transportation agencies under this section are consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security developed under section 1404.

(e) UPDATES.—Not later than September 30, 2008, and annually thereafter, the Secretary shall—

(1) update the security assessments referred to in subsection (a);

(2) update the security improvement priorities required under subsection (f); and

(3) require public transportation agencies to update the security plans required under subsection (c) as appropriate.

(f) SECURITY IMPROVEMENT PRIORITIES.—

(1) IN GENERAL.—Beginning in fiscal year 2008 and each fiscal year thereafter, the Secretary, after consultation with management and nonprofit employee labor organizations representing public transportation employees as appropriate, and with appropriate State and local officials, shall utilize the information developed or received in this section to establish security improvement priorities unique to each individual public transportation agency that has been assessed.

(2) ALLOCATIONS.—The Secretary shall use the security improvement priorities established in paragraph (1) as the basis for allocating risk-based grant funds under section 1406, unless the Secretary notifies the appropriate congressional committees that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant national security factors.

(g) SHARED FACILITIES.—The Secretary shall encourage the development and implementation of coordinated assessments and security plans to the extent a public transportation agency shares facilities (such as tunnels, bridges, stations, or platforms) with another public transportation agency, a freight or passenger railroad carrier, or over-the-road bus operator that are geographically close or otherwise co-located.

(h) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a public transportation agency under any other Federal law.

(i) DETERMINATION.—In response to a petition by a public transportation agency or at the discretion of the Secretary, the Secretary may recognize existing procedures, protocols, and standards of a public transportation agency that the Secretary determines meet all or part of the requirements of this section regarding security assessments or security plans.

SEC. 1406. PUBLIC TRANSPORTATION SECURITY ASSISTANCE.

(a) SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program for making grants to eligible public transportation agencies for security improvements described in subsection (b).

(2) ELIGIBILITY.—A public transportation agency is eligible for a grant under this section if the Secretary has performed a security assessment or the agency has developed a security plan under section 1405. Grant funds shall only be awarded for permissible uses under subsection (b) to—

(A) address items included in a security assessment; or

(B) further a security plan.

(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Capital uses of funds, including—

(A) tunnel protection systems;

(B) perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems, including the acquisition of canines used for such detection;

(E) surveillance equipment;

(F) communications equipment, including mobile service equipment to provide access to wireless Enhanced 911 (E911) emergency services in an underground fixed guideway system;

(G) emergency response equipment, including personal protective equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or tracking and recovery equipment, and other automated-vehicle-locator-type system equipment;

(J) evacuation improvements;

(K) purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels;

(L) capital costs associated with security awareness, security preparedness, and security response training, including training under section 1408 and exercises under section 1407;

(M) security improvements for public transportation systems, including extensions thereto, in final design or under construction;

(N) security improvements for stations and other public transportation infrastructure, including stations and other public transportation infrastructure owned by State or local governments; and

(O) other capital security improvements determined appropriate by the Secretary.

(2) Operating uses of funds, including—

(A) security training, including training under section 1408 and training developed by institutions of higher education and by nonprofit employee labor organizations, for public transportation employees, including frontline employees;

(B) live or simulated exercises under section 1407;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, radiological, biological, or explosives detection;

(E) development of security plans under section 1405;

(F) overtime reimbursement including reimbursement of State, local, and tribal governments, for costs for enhanced security personnel during significant national and international public events;

(G) operational costs, including reimbursement of State, local, and tribal governments for costs for personnel assigned to full-time or part-time security or counterterrorism duties related to public transportation, provided that this expense totals no more than 10 percent of the total grant funds received by a public transportation agency in any 1 year; and

(H) other operational security costs determined appropriate by the Secretary, excluding routine, ongoing personnel costs, other than those set forth in this section.

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (a)(2), select the recipients of grants based solely on risk; and

(3) pursuant to subsection (b), establish the priorities for which grant funds may be used under this section.

(d) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, as in effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—Grants made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.

(h) GUIDELINES.—Before distribution of funds to recipients of grants, the Secretary shall issue guidelines to ensure that, to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors to the extent practicable.

(i) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements

under subsection (b), the Secretary shall act consistently with relevant State homeland security plans.

(j) MULTISTATE TRANSPORTATION SYSTEMS.—In cases in which a public transportation system operates in more than one State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b).

(k) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify simultaneously, the appropriate congressional committees of the intent to award such grant.

(l) RETURN OF MISSPENT GRANT FUNDS.—The Secretary shall establish a process to require the return of any misspent grant funds received under this section determined to have been spent for a purpose other than those specified in the grant award.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary to make grants under this section—

(A) such sums as are necessary for fiscal year 2007;

(B) $650,000,000 for fiscal year 2008, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2);

(C) $750,000,000 for fiscal year 2009, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2);

(D) $900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); and

(E) $1,100,000,000 for fiscal year 2011, except that not more than 10 percent of such funds may be used for operational costs under subsection (b)(2).

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

(3) WAIVER.—The Secretary may waive the limitation on operational costs specified in subparagraphs (B) through (E) of paragraph (1) if the Secretary determines that such a waiver is required in the interest of national security, and if the Secretary provides a written justification to the appropriate congressional committees prior to any such action.

(4) EFFECTIVE DATE.—Funds provided for fiscal year 2007 transit security grants under Public Law 110–28 shall be allocated based on security assessments that are in existence as of the date of enactment of this Act.

SEC. 1407. SECURITY EXERCISES.

(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for public transportation agencies for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) public transportation agencies;

(3) governmental and nongovernmental emergency response providers and law enforcement personnel, including transit police; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary shall ensure that the program—

(1) requires, for public transportation agencies which the Secretary deems appropriate, exercises to be conducted that are—

(A) scaled and tailored to the needs of specific public transportation systems, and include taking into account the needs of the elderly and individuals with disabilities;

(B) live;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of frontline employees and managers; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(2) provides that exercises described in paragraph (1) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and

(C) followed by remedial action by covered entities in response to lessons learned;

(3) involves individuals in neighborhoods around the infrastructure of a public transportation system; and

(4) assists State, local, and tribal governments and public transportation agencies in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).

(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (a) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(e) FERRY SYSTEM EXEMPTION.—This section does not apply to any ferry system for which drills are required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 1408. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop and issue detailed interim final regulations, and not later than 1 year after the date of enactment of this Act, the Secretary shall develop and issue detailed final regulations, for a public transportation security training program to prepare public transportation employees, including frontline employees, for potential security threats and conditions.

(b) CONSULTATION.—The Secretary shall develop the interim final and final regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, security, and terrorism experts;

(2) representatives of public transportation agencies; and

(3) nonprofit employee labor organizations representing public transportation employees or emergency response personnel.

(c) PROGRAM ELEMENTS.—The interim final and final regulations developed under subsection (a) shall require security training programs to include, at a minimum, elements to address the following:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself, including using nonlethal defense devices.

(4) Use of personal protective devices and other protective equipment.

(5) Evacuation procedures for passengers and employees, including individuals with disabilities and the elderly.

(6) Training related to behavioral and psychological understanding of, and responses to, terrorist incidents, including the ability to cope with hijacker behavior, and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.

(9) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on scene interaction with such emergency response providers.

(10) Operation and maintenance of security equipment and systems.

(11) Other security training activities that the Secretary deems appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after a public transportation agency meets the requirements under subsection (e), each such public transportation agency shall develop a security training program in accordance with the regulations developed under subsection (a) and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the public transportation agency that developed the program to make any revisions to the program that the Secretary determines necessary for the program to meet the requirements of the regulations. A public transportation agency shall respond to the Secretary's comments within 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program proposal in accordance with this subsection, the public transportation agency that developed the program shall complete the training of all employees covered under the program.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each public transportation agency shall revise its training program accordingly and provide additional training as necessary to its workers within a reasonable time after the regulations are updated.

(e) APPLICABILITY.—A public transportation agency that receives a grant award under this title shall be required to develop and implement a security training program pursuant to this section.

(f) LONG-TERM TRAINING REQUIREMENT.—Any public transportation agency required to develop a security training program pursuant to this section shall provide routine and ongoing training for employees covered under the program, regardless of whether the public transportation agency receives subsequent grant awards.

(g) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(h) FERRY EXEMPTION.—This section shall not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46, United States Code.

(i) REPORT.—Not later than 2 years after the date of issuance of the final regulation, the Comptroller General shall review implementation of the training program, including interviewing a representative sample of public transportation agencies and employees, and report to the appropriate congressional committees, on the number of reviews conducted and the results. The Comptroller General may submit the report in both classified and redacted formats as necessary.

SEC. 1409. PUBLIC TRANSPORTATION RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry

out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.

(b) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(c) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing;

(D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;

(E) develop technologies for securing tunnels, transit bridges and aerial structures;

(F) research technologies that mitigate damages in the event of a cyber attack; and

(G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section to ensure that the awards made are expended in accordance with the purposes of this title and the priorities developed by the Secretary.

(f) COORDINATION.—The Secretary shall ensure that the research is consistent with the priorities established in the National Strategy for Public Transportation Security and is coordinated, to the extent practicable, with other Federal, State, local, tribal, and private sector public transportation, railroad, commuter railroad, and over-the-road bus research initiatives to leverage resources and avoid unnecessary duplicative efforts.

(g) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (c), the grantee or contractor shall return any amount so used to the Treasury of the United States.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to make grants under this section—

(1) such sums as necessary for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008;

(3) $25,000,000 for fiscal year 2009;

(4) $25,000,000 for fiscal year 2010; and

(5) $25,000,000 for fiscal year 2011.

SEC. 1410. INFORMATION SHARING.

(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) AUTHORIZATION.—The Secretary shall provide for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'').

(2) PARTICIPATION.—The Secretary—

(A) shall require public transportation agencies that the Secretary determines to be at high risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC;

(C) shall encourage the participation of nonprofit employee labor organizations representing public transportation employees, as appropriate; and

(D) shall not charge a fee for participating in the ISAC.

(c) REPORT.—The Comptroller General shall report, not less than 3 years after the date of enactment of this Act, to the appropriate congressional committees, as to the value and efficacy of the ISAC along with any other public transportation information-sharing programs ongoing at the Department. The report shall include an analysis of the user satisfaction of public transportation agencies on the state of information-sharing and the value that each system provides the user, the costs and benefits of all centers and programs, the coordination among centers and programs, how each center or program contributes to implementing the information sharing plan under section 1203, and analysis of the extent to which the ISAC is duplicative with the Department's information-sharing program.

(d) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $600,000 for fiscal year 2008;

(B) $600,000 for fiscal year 2009;

(C) $600,000 for fiscal year 2010; and

(D) such sums as may be necessary for 2011, provided the report required in subsection (c) of this section has been submitted to Congress.

(2) AVAILABILITY OF FUNDS.—Such sums shall remain available until expended.

SEC. 1411. THREAT ASSESSMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all public transportation frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).

SEC. 1412. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31st of each year, the Secretary shall submit a report, containing the information described in paragraph (2), to the appropriate congressional committees.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of this title;

(B) the amount of funds appropriated to carry out the provisions of this title that have not been expended or obligated;

(C) the National Strategy for Public Transportation Security required under section 1404;

(D) an estimate of the cost to implement the National Strategy for Public Transportation Security which shall break out the aggregated total cost of needed capital and operational security improvements for fiscal years 2008–2018; and

(E) the state of public transportation security in the United States, which shall include detailing the status of security assessments, the progress being made around the country in developing prioritized lists of security improvements necessary to make public transportation facilities and passengers more secure, the progress being made by agencies in developing security plans and how those plans differ from the security assessments and a prioritized list of security improvements being compiled by other agencies, as well as a random sample of an equal number of large- and small-scale projects currently underway.

(3) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this Act.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1413. PUBLIC TRANSPORTATION EMPLOYEE PROTECTIONS.

(a) IN GENERAL.—A public transportation agency, a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—

(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to public transportation safety or security, or fraud, waste, or abuse of Federal grants or other public funds intended to be used for public transportation safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—

(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any Committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;

(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to public transportation safety or security;

(3) to file a complaint or directly cause to be brought a proceeding related to the enforcement of this section or to testify in that proceeding;

(4) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

(5) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with public transportation.

(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A public transportation agency, or a

contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—

(A) reporting a hazardous safety or security condition;

(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

(C) refusing to authorize the use of any safety- or security-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or security condition, if the conditions described in paragraph (2) of this subsection exist.

(2) A refusal is protected under paragraph (1)(B) and (C) if—

(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

(B) a reasonable individual in the circumstances then confronting the employee would conclude that—

(i) the hazardous condition presents an imminent danger of death or serious injury; and

(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

(C) the employee, where possible, has notified the public transportation agency of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

(3) In this subsection, only subsection (b)(1)(A) shall apply to security personnel, including transit police, employed or utilized by a public transportation agency to protect riders, equipment, assets, or facilities.

(c) ENFORCEMENT ACTION.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) or (b) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of a complaint filed under this paragraph, the Secretary of Labor shall notify, in writing, the person named in the complaint and the person's employer of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) or (b) of the Secretary of Labor's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall accompany the Secretary of Labor's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under clause (i), no investigation otherwise required under paragraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY OF LABOR.—The Secretary of Labor may determine that a violation of subsection (a) or (b) has occurred only if the complainant demonstrates that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) PROHIBITION.—Relief may not be ordered under paragraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3) FINAL ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall order the person who committed such violation to—

(i) take affirmative action to abate the violation; and

(ii) provide the remedies described in subsection (d).

(C) ORDER.—If an order is issued under subparagraph (B), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

(D) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer reasonable attorney fees not exceeding $1,000.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(7) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The action shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

(d) REMEDIES.—

(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.

(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in (c)(7)) shall include—

(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

(B) any backpay, with interest; and

(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.

(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the public transportation agency.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DISCLOSURE OF IDENTITY.—

(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information described in subsection (a)(1).

(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

(1) ESTABLISHMENT OF PROCESS.—The Secretary shall establish through regulations after an opportunity for notice and comment, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding public transportation security problems, deficiencies, or vulnerabilities.

(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

(3) STEPS TO ADDRESS PROBLEM.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

SEC. 1414. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS FOR PUBLIC TRANSPORTATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SECURITY BACKGROUND CHECK.—The term ''security background check'' means reviewing the following for the purpose of identifying individuals who may pose a threat to transportation security, national security, or of terrorism:

(A) Relevant criminal history databases.

(B) In the case of an alien (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))), the relevant databases to determine the status of the alien under the immigration laws of the United States.

(C) Other relevant information or databases, as determined by the Secretary.

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of a public transportation agency or a contractor or subcontractor of a public transportation agency.

(b) GUIDANCE.—

(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.

(2) Not later than 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (b)(1).

(3) If a public transportation agency or a contractor or subcontractor of a public transportation agency performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.

(c) REQUIREMENTS.—If the Secretary issues a rule, regulation or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, then the Secretary shall prohibit a public transportation agency or contractor or subcontractor of a public transportation agency from making an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive with respect to a covered individual unless the public transportation agency or contractor or subcontractor of a public transportation agency determines that the covered individual—

(1) has been convicted of, has been found not guilty of by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the public transportation agency or contractor or subcontractor of the public transportation agency performs the security background check; or

(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the public transportation agency or contractor or subcontractor of a public transportation agency performs the security background check.

(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, the Secretary shall—

(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation workers at ports, as required by section 70105(c) of title 49, United States Code; and

(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a public transportation agency or contractor or subcontractor of a public transportation agency wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.

(e) FALSE STATEMENTS.—A public transportation agency or a contractor or subcontractor of a public transportation agency may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that prohibits a public transportation agency or a contractor or subcontractor of a public transportation agency from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a public transportation agency's or a contractor or subcontractor of a public transportation agency's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a public transportation agency, or a contractor or subcontractor of a public transportation agency under any other Federal, State, or local laws or collective bargaining agreement.

(g) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks of covered individuals.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 1415. LIMITATION ON FINES AND CIVIL PENALTIES.

(a) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies for violations of the Department's regulations or orders except through the process described in subsection (b).

(b) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies for violations of the Department's regulations or orders, except in accordance with the following:

(1) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(2) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.

(c) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for and expenditure of funds awarded under transportation security grant programs under this title.

TITLE XV—SURFACE TRANSPORTATION SECURITY

Subtitle A—General Provisions

SEC. 1501. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OVER-THE-ROAD BUS.—The term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(5) OVER-THE-ROAD BUS FRONTLINE EMPLOYEES.—In this section, the term ''over-the-road bus frontline employees'' means over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Secretary determines should receive security training under this title.

(6) RAILROAD FRONTLINE EMPLOYEES.—In this section, the term ''railroad frontline employees'' means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Secretary determines should receive security training under this title.

(7) RAILROAD.—The term ''railroad'' has the meaning that term has in section 20102 of title 49, United States Code.

(8) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning that term has in section 20102 of title 49, United States Code.

(9) STATE.—The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) TERRORISM.—The term ''terrorism'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(11) TRANSPORTATION.—The term ''transportation'', as used with respect to an over-the-road bus, means the movement of passengers or property by an over-the-road bus—

(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or

(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).

(12) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(13) SECURITY-SENSITIVE MATERIAL.—The term ''security-sensitive material'' means a material, or a group or class of material, in a particular amount and form that the Secretary, in consultation with the Secretary of Transportation, determines, through a rulemaking with opportunity for public comment, poses a significant risk to national security while being transported in commerce due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall, at a minimum, consider the following:

(A) Class 7 radioactive materials.

(B) Division 1.1, 1.2, or 1.3 explosives.

(C) Materials poisonous or toxic by inhalation, including Division 2.3 gases and Division 6.1 materials.

(D) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.

(14) DISADVANTAGED BUSINESS CONCERNS.—The term ''disadvantaged business concerns'' means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, of title 13, Code of Federal Regulations.

(15) AMTRAK.—The term ''Amtrak'' means the National Railroad Passenger Corporation.

SEC. 1502. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary, in coordination with Secretary of Transportation for grants awarded to Amtrak, shall establish necessary procedures, including monitoring and audits, to ensure that grants made under this title are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(b) ADDITIONAL AUDITS AND REVIEWS.—The Secretary, and the Secretary of Transportation for grants awarded to Amtrak, may award contracts to undertake additional audits and reviews of the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures, and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107(i) and (j) of title 46, United States Code.

(d) ADDITIONAL AUTHORITY.—

(1) ISSUANCE.—The Secretary may issue nonbinding letters of intent to recipients of a grant under this title, to commit funding from future budget authority of an amount, not more than the Federal Government's share of the project's cost, for a capital improvement project.

(2) SCHEDULE.—The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Government's share of the project's costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this title.

(3) NOTICE TO SECRETARY.—A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Secretary shall transmit to the appropriate congressional committees a written notification at least 5 days before the issuance of a letter of intent under this subsection.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, United States Code, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(e) RETURN OF MISSPENT GRANT FUNDS.—As part of the grant agreement under subsection (c), the Secretary shall require grant applicants to return any misspent grant funds received under this title that the Secretary considers to have been spent for a purpose other than those specified in the grant award. The Secretary shall take all necessary actions to recover such funds.

(f) CONGRESSIONAL NOTIFICATION.—Not later than 5 days before the award of any grant is made under this title, the Secretary shall notify the appropriate congressional committees of the intent to award such grant.

(g) GUIDELINES.—The Secretary shall ensure, to the extent practicable, that grant recipients under this title who use contractors or subcontractors use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors when appropriate.

SEC. 1503. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, as amended by section 1302 of this Act, is further amended by adding at the end the following:

''(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for—

''(1) railroad security—

''(A) $488,000,000 for fiscal year 2008;

''(B) $483,000,000 for fiscal year 2009;

''(C) $508,000,000 for fiscal year 2010; and

''(D) $508,000,000 for fiscal year 2011;

''(2) over-the-road bus and trucking security—

''(A) $14,000,000 for fiscal year 2008;

''(B) $27,000,000 for fiscal year 2009;

''(C) $27,000,000 for fiscal year 2010; and

''(D) $27,000,000 for fiscal year 2011; and

''(3) hazardous material and pipeline security—

''(A) $12,000,000 for fiscal year 2008;

''(B) $12,000,000 for fiscal year 2009; and

''(C) $12,000,000 for fiscal year 2010.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out section 1515—

(1) $38,000,000 for fiscal year 2008;

(2) $40,000,000 for fiscal year 2009;

(3) $55,000,000 for fiscal year 2010; and

(4) $70,000,000 for fiscal year 2011.

SEC. 1504. PUBLIC AWARENESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a national plan for railroad and over-the-road bus security public outreach and awareness. Such a plan shall be designed to increase awareness of measures that the general public, passengers, and employees of railroad carriers and over-the-road bus operators can take to increase the security of the national railroad and over-the-road bus transportation systems. Such a plan shall also provide outreach to railroad carriers and over-the-road bus operators and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

Subtitle B—Railroad Security

SEC. 1511. RAILROAD TRANSPORTATION SECURITY RISK ASSESSMENT AND NATIONAL STRATEGY.

(a) RISK ASSESSMENT.—The Secretary shall establish a Federal task force, including the Transportation Security Administration and other agencies within the Department, the Department of Transportation, and other appropriate Federal agencies, to complete, within 6 months of the date of enactment of this Act, a nationwide risk assessment of a terrorist attack on railroad carriers. The assessment shall include—

(1) a methodology for conducting the risk assessment, including timelines, that addresses how the Department will work with the entities described in subsection (c) and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(2) identification and evaluation of critical assets and infrastructure, including tunnels used by railroad carriers in high-threat urban areas;

(3) identification of risks to those assets and infrastructure;

(4) identification of risks that are specific to the transportation of hazardous materials via railroad;

(5) identification of risks to passenger and cargo security, transportation infrastructure protection systems, operations, communications systems, and any other area identified by the assessment;

(6) an assessment of employee training and emergency response planning;

(7) an assessment of public and private operational recovery plans, taking into account the plans for the maritime sector required under section 70103 of title 46, United States Code, to expedite, to the maximum extent practicable, the return of an adversely affected railroad transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(8) an account of actions taken or planned by both public and private entities to address identified railroad security issues and an assessment of the effective integration of such actions.

(b) NATIONAL STRATEGY.—

(1) REQUIREMENT.—Not later than 9 months after the date of enactment of this Act and based upon the assessment conducted under subsection (a), the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for railroad transportation, entitled the ''National Strategy for Railroad Transportation Security''.

(2) CONTENTS.—The modal plan shall include prioritized goals, actions, objectives, policies, mechanisms, and schedules for, at a minimum—

(A) improving the security of railroad tunnels, railroad bridges, railroad switching and car storage areas, other railroad infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant railroad-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of railroad service or on operations served or otherwise affected by railroad service;

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) consistent with section 1517, training railroad employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns for railroads regarding security, including educational initiatives designed to inform the public on how to prevent, prepare for, respond to, and recover from a terrorist attack on railroad transportation;

(E) providing additional railroad security support for railroads at high or severe threat levels of alert;

(F) ensuring, in coordination with freight and intercity and commuter passenger railroads, the continued movement of freight and passengers in the event of an attack affecting the railroad system, including the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station;

(G) coordinating existing and planned railroad security initiatives undertaken by the public and private sectors;

(H) assessing—

(i) the usefulness of covert testing of railroad security systems;

(ii) the ability to integrate security into infrastructure design; and

(iii) the implementation of random searches of passengers and baggage; and

(I) identifying the immediate and long-term costs of measures that may be required to address those risks and public and private sector sources to fund such measures.

(3) RESPONSIBILITIES.—The Secretary shall include in the modal plan a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, government-sponsored entities, tribal governments, and appropriate stakeholders described in subsection (c). The plan shall also include—

(A) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities described in this paragraph;

(B) a methodology for how the Department will work with the entities described in subsection (c), and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(C) a process for facilitating security clearances for the purpose of intelligence and information sharing with the entities described in subsection (c), as appropriate;

(D) a strategy and timeline, coordinated with the research and development program established under section 1518, for the Department, the Department of Transportation, other appropriate Federal agencies and private entities to research and develop new technologies for securing railroad systems; and

(E) a process for coordinating existing or future security strategies and plans for railroad transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order Number 13416: ''Strengthening Surface Transportation Security'' dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and any other relevant agreements between the two Departments.

(c) CONSULTATION WITH STAKEHOLDERS.—In developing the National Strategy required under this section, the Secretary shall consult with railroad management, nonprofit employee organizations representing railroad employees, owners or lessors of railroad cars used to transport hazardous materials, emergency responders, offerors of security-sensitive materials, public safety officials, and other relevant parties.

(d) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the risk assessment and National Strategy required under this section, the Secretary shall utilize relevant existing plans, strategies, and risk assessments developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive 7, and, as appropriate, assessments developed by other public and private stakeholders.

(e) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing—

(A) the assessment and the National Strategy required by this section; and

(B) an estimate of the cost to implement the National Strategy.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(f) ANNUAL UPDATES.—Consistent with the requirements of section 114(t) of title 49, United States Code, the Secretary shall update the assessment and National Strategy each year and transmit a report, which may be submitted in both classified and redacted formats, to the appropriate congressional committees containing the updated assessment and recommendations.

(g) FUNDING.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1512. RAILROAD CARRIER ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) require each railroad carrier assigned to a high-risk tier under this section to—

(A) conduct a vulnerability assessment in accordance with subsections (c) and (d); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with this section that addresses security performance requirements; and

(2) establish standards and guidelines, based on and consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511, for developing and implementing the vulnerability assessments and security plans for railroad carriers assigned to high-risk tiers.

(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for railroad carriers not assigned to a high-risk tier, including—

(1) guidance for such carriers in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and

(2) a process to review and approve such assessments and plans, as appropriate.

(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for railroad carriers assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.

(d) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of a railroad carrier assigned to a high-risk tier under this section, include, as applicable—

(A) identification and evaluation of critical railroad carrier assets and infrastructure, including platforms, stations, intermodal terminals, tunnels, bridges, switching and storage areas, and information systems as appropriate;

(B) identification of the vulnerabilities to those assets and infrastructure;

(C) identification of strengths and weaknesses in—

(i) physical security;

(ii) passenger and cargo security, including the security of security-sensitive materials being transported by railroad or stored on railroad property;

(iii) programmable electronic devices, computers, or other automated systems which are used in providing the transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems and utilities needed for railroad security purposes, including dispatching and notification systems;

(vi) emergency response planning;

(vii) employee training; and

(viii) such other matters as the Secretary determines appropriate; and

(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of a railroad carrier's system in the event of an attack or other incident, including disruption of commercial electric power or communications network.

(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of a railroad carrier, as designated by the railroad carrier, threat information that is relevant to the carrier when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in railroad security.

(e) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in preparing and implementing security plans under this section, and shall require that each security plan of a railroad carrier assigned to a high-risk tier under this section include, as applicable—

(A) identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements; and

(iii) to receive immediate communications from appropriate Federal officials regarding railroad security;

(B) a list of needed capital and operational improvements;

(C) procedures to be implemented or used by the railroad carrier in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities as appropriate;

(D) identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(E) a strategy and timeline for conducting training under section 1517;

(F) enhanced security measures to be taken by the railroad carrier when the Secretary declares a period of heightened security risk;

(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the railroad carrier's system in the event of a terrorist attack or other incident;

(H) a strategy for implementing enhanced security for shipments of security-sensitive materials, including plans for quickly locating and securing such shipments in the event of a terrorist attack or security incident; and

(I) such other actions or procedures as the Secretary determines are appropriate to address the security of railroad carriers.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.

(3) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by railroad carriers under this section are consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511.

(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);

(2) require amendments to any security plan that does not meet the requirements of this section; and

(3) approve any vulnerability assessment or security plan that meets the requirements of this section.

(g) INTERIM SECURITY MEASURES.—The Secretary may require railroad carriers, during the period before the deadline established under subsection (c), to submit a security plan under subsection (e) to implement any necessary interim security measures essential to providing adequate security of the railroad carrier's system. An interim plan required under this subsection will be superseded by a plan required under subsection (e).

(h) TIER ASSIGNMENT.—Utilizing the risk assessment and National Strategy for Railroad Transportation Security required under section 1511, the Secretary shall assign each railroad carrier to a risk-based tier established by the Secretary.

(1) PROVISION OF INFORMATION.—The Secretary may request, and a railroad carrier shall provide, information necessary for the Secretary to assign a railroad carrier to the appropriate tier under this subsection.

(2) NOTIFICATION.—Not later than 60 days after the date a railroad carrier is assigned to a tier under this subsection, the Secretary shall notify the railroad carrier of the tier to which it is assigned and the reasons for such assignment.

(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this subsection shall be designated a tier for high-risk railroad carriers.

(4) REASSIGNMENT.—The Secretary may reassign a railroad carrier to another tier, as appropriate, in response to changes in risk. The Secretary shall notify the railroad carrier not later than 60 days after such reassignment and provide the railroad carrier with the reasons for such reassignment.

(i) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a railroad carrier under any other Federal law.

(j) EXISTING PROCEDURES, PROTOCOLS AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by a railroad carrier or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section, including regulations issued under subsection (a), regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of a railroad carrier satisfy the requirements of this section, the railroad carrier may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of a railroad carrier satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the railroad carrier of any additional information relevant to the vulnerability assessment and security plan of the railroad carrier to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of a railroad carrier under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the railroad carrier a written notification that includes an explanation of the determination.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by a railroad carrier under this section; and

(B) to approve or disapprove each submission on an individual basis.

(k) PERIODIC EVALUATION BY RAILROAD CARRIERS REQUIRED.—

(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), a railroad carrier who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier must also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the railroad carrier submitting the evaluation of the Secretary's approval or disapproval of the evaluation.

(l) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that a railroad carrier shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.

(m) CONSULTATION.—In carrying out this section, the Secretary shall consult with railroad carriers, nonprofit employee labor organizations representation railroad employees, and public safety and law enforcement officials.

SEC. 1513. RAILROAD SECURITY ASSISTANCE.

(a) SECURITY IMPROVEMENT GRANTS.—(1) The Secretary, in consultation with the Administrator of the Transportation Security Administration and other appropriate agencies or officials, is authorized to make grants to railroad carriers, the Alaska Railroad, security-sensitive materials offerors who ship by railroad, owners of railroad cars used in the transportation of security-sensitive materials, State and local governments (for railroad passenger facilities and infrastructure not owned by Amtrak), and Amtrak for intercity passenger railroad and freight railroad security improvements described in subsection (b) as approved by the Secretary.

(2) A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved in accordance with section 1512.

(3) A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a railroad security plan that meets the requirements of paragraph (2).

(4) Notwithstanding the requirement for eligibility and uses of funds in paragraphs (2) and (3), a railroad carrier is eligible for a grant under this section if the applicant uses the funds solely for the development of assessments or security plans under section 1512.

(5) Notwithstanding the requirements for eligibility and uses of funds in paragraphs (2) and (3), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1512 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for rail security improvements listed under subsection (b) based upon railroad carrier vulnerability assessments and security plans that the Secretary determines are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1512.

(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:

(1) Security and redundancy for critical communications, computer, and train control systems essential for secure railroad operations.

(2) Accommodation of railroad cargo or passenger security inspection facilities, related infrastructure, and operations at or near United States international borders or other ports of entry.

(3) The security of security-sensitive materials transportation by railroad.

(4) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(5) The security of intercity passenger railroad stations, trains, and infrastructure, including security capital improvement projects that the Secretary determines enhance railroad station security.

(6) Technologies to reduce the vulnerabilities of railroad cars, including structural modification of railroad cars transporting security-sensitive materials to improve their resistance to acts of terrorism.

(7) The sharing of intelligence and information about security threats.

(8) To obtain train tracking and communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.

(9) To hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation.

(10) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to railroad security during periods of high or severe threat levels and National Special Security Events or other periods of heightened security as determined by the Secretary.

(11) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.

(12) Tunnel protection systems.

(13) Passenger evacuation and evacuation-related capital improvements.

(14) Railroad security inspection technologies, including verified visual inspection technologies using hand-held readers.

(15) Surveillance equipment.

(16) Cargo or passenger screening equipment.

(17) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(18) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees.

(19) Live or simulated exercises, including exercises described in section 1516.

(20) Public awareness campaigns for enhanced railroad security.

(21) Development of assessments or security plans under section 1512.

(22) Other security improvements—

(A) identified, required, or recommended under sections 1511 and 1512, including infrastructure, facilities, and equipment upgrades; or

(B) that the Secretary considers appropriate.

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants;

(2) establish priorities for uses of funds for grant recipients;

(3) award the funds authorized by this section based on risk, as identified by the plans required under sections 1511 and 1512, or assessment or plan described in subsection (a)(5);

(4) take into account whether stations or facilities are used by commuter railroad passengers as well as intercity railroad passengers in reviewing grant applications;

(5) encourage non-Federal financial participation in projects funded by grants; and

(6) not later than 5 business days after awarding a grant to Amtrak under this section, transfer grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(d) MULTIYEAR AWARDS.—Grant funds awarded under this section may be awarded for projects that span multiple years.

(e) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(f) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.

(g) NON-FEDERAL MATCH STUDY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the appropriate congressional committees on the feasibility and appropriateness of requiring a non-Federal match for grants awarded to freight railroad carriers and other private entities under this section.

(h) SUBJECT TO CERTAIN STANDARDS.—A recipient of a grant under this section and sections 1514 and 1515 shall be required to comply with the standards of section 24312 of title 49, United States Code, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—

(A) $300,000,000 for fiscal year 2008;

(B) $300,000,000 for fiscal year 2009;

(C) $300,000,000 for fiscal year 2010; and

(D) $300,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 1514. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—

(1) GRANTS.—Subject to subsection (b), the Secretary, in consultation with the Administrator of the Transportation Security Administration, is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high-risk and high-consequence assets identified through systemwide risk assessments;

(C) providing counterterrorism or security training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watchlist identification system approved by the Secretary;

(E) to obtain train tracking and interoperable communications systems that are coordinated with Federal, State, and local agencies and tribal governments to the maximum extent possible;

(F) to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation;

(G) for operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees; and

(H) for live or simulated exercises, including exercises described in section 1516.

(b) CONDITIONS.—The Secretary shall award grants to Amtrak under this section for projects contained in a systemwide security plan approved by the Secretary developed pursuant to section 1512. Not later than 5 business days after awarding a grant to Amtrak under this section, the Secretary shall transfer the grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1511 and Amtrak's vulnerability assessment and security plan developed under section 1512, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary and the Administrator of the Transportation Security Administration to carry out this section—

(A) $150,000,000 for fiscal year 2008;

(B) $150,000,000 for fiscal year 2009;

(C) $175,000,000 for fiscal year 2010; and

(D) $175,000,000 for fiscal year 2011.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1515. FIRE AND LIFE SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $25,000,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009;

(C) $45,000,000 for fiscal year 2010; and

(D) $60,000,000 for fiscal year 2011.

(2) For the Baltimore Potomac Tunnel and the Union Tunnel, together, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(3) For the Union Station tunnels in the District of Columbia to improve ventilation, communication, lighting, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(b) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1503(b), there shall be made available to the Secretary of Transportation for fiscal year 2008, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to this section shall remain available until expended.

(d) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary of Transportation, and the Secretary of Transportation has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary of Transportation has approved a project management plan prepared by Amtrak.

(e) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary of Transportation shall complete the review of a plan required under subsection (d) and approve or disapprove the plan within 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary of Transportation determines that a plan is incomplete or deficient, the Secretary of Transportation shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary of Transportation's notification, submit a modified plan for the Secretary of Transportation's review.

(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary of Transportation shall either approve the modified plan, or if the Secretary of Transportation finds the plan is still

incomplete or deficient, the Secretary of Transportation shall—

(A) identify in writing to the appropriate congressional committees the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(f) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which railroad carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other railroad carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other railroad carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1516. RAILROAD CARRIER EXERCISES.

(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for railroad carriers for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) railroad carriers;

(3) governmental and nongovernmental emergency response providers, law enforcement agencies, and railroad and transit police, as appropriate; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary shall ensure that the program—

(1) consolidates existing security exercises for railroad carriers administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement as appropriate;

(2) consists of exercises that are—

(A) scaled and tailored to the needs of the carrier, including addressing the needs of the elderly and individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of railroad frontline employees; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with railroad carriers, nonprofit employee organizations that represent railroad carrier employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad carrier and transit police, and other stakeholders; and

(C) used to develop recommendations, as appropriate, from the Secretary to railroad carriers on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and railroad carriers in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (1).

(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

SEC. 1517. RAILROAD SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) CONSULTATION.—The Secretary shall develop the regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;

(2) railroad carriers;

(3) railroad shippers; and

(4) nonprofit employee labor organizations representing railroad employees or emergency response personnel.

(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following, as applicable:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of personal and other protective equipment.

(5) Evacuation procedures for passengers and railroad employees, including individuals with disabilities and the elderly.

(6) Psychology, behavior, and methods of terrorists, including observation and analysis.

(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.

(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

(10) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on-scene interaction with such emergency response providers.

(11) Operation and maintenance of security equipment and systems.

(12) Other security training activities that the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues regulations under subsection (a), each railroad carrier shall develop a security training program in accordance with this section and submit the program to the Secretary for approval.

(2) APPROVAL OR DISAPPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the railroad carrier that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of this section. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the railroad carrier that developed the program shall complete the training of all railroad frontline employees who were hired by a carrier more than 30 days preceding such date. For such employees employed less than 30 days by a carrier preceding such date, training shall be completed within the first 60 days of employment.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update as appropriate the training regulations issued under subsection (a) to reflect new or changing security threats. Each railroad carrier shall revise its training program accordingly and provide additional training as necessary to its frontline employees within a reasonable time after the regulations are updated.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of railroad carriers and railroad frontline employees, and report to the appropriate congressional committees on the number of reviews conducted and the results of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a railroad shipper employee security program containing the elements listed under subsection (c).

SEC. 1518. RAILROAD SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of railroad transportation systems.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers at peak commuting times with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved railroad security technologies, including—

(A) technologies for sealing or modifying railroad tank cars;

(B) automatic inspection of railroad cars;

(C) communication-based train control systems;

(D) emergency response training, including training in a tunnel environment;

(E) security and redundancy for critical communications, electrical power, computer, and train control systems; and

(F) technologies for securing bridges and tunnels;

(4) to test wayside detectors that can detect tampering;

(5) to support enhanced security for the transportation of security-sensitive materials by railroad;

(6) to mitigate damages in the event of a cyber attack; and

(7) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—

(1) shall ensure that the research and development program is consistent with the National Strategy for Railroad Transportation Security developed under section 1511 and any other transportation security research and development programs required by this Act;

(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—

(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(B) the National Academy of Sciences;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and universities and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, or Indian Tribally Controlled Colleges and Universities;

(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) may award grants, or enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and the eligible grant recipients under section 1513; and

(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with railroad carriers willing to contribute both physical space and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009;

(C) $33,000,000 for fiscal year 2010; and

(D) $33,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.

SEC. 1519. RAILROAD TANK CAR SECURITY TESTING.

(a) RAILROAD TANK CAR VULNERABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary shall assess the likely methods of a deliberate terrorist attack against a railroad tank car used to transport toxic-inhalation-hazard materials, and for each method assessed, the degree to which it may be successful in causing death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare.

(2) THREATS.—In carrying out paragraph (1), the Secretary shall consider the most current threat information as to likely methods of a successful terrorist attack on a railroad tank car transporting toxic-inhalation-hazard materials, and may consider the following:

(A) Explosive devices placed along the tracks or attached to a railroad tank car.

(B) The use of missiles, grenades, rockets, mortars, or other high-caliber weapons against a railroad tank car.

(3) PHYSICAL TESTING.—In developing the assessment required under paragraph (1), the Secretary shall conduct physical testing of the vulnerability of railroad tank cars used to transport toxic-inhalation-hazard materials to different methods of a deliberate attack, using technical information and criteria to evaluate the structural integrity of railroad tank cars.

(4) REPORT.—Not later than 30 days after the completion of the assessment under paragraph (1), the Secretary shall provide to the appropriate congressional committees a report, in the appropriate format, on such assessment.

(b) RAILROAD TANK CAR DISPERSION MODELING.—

(1) IN GENERAL.—The Secretary, acting through the National Infrastructure Simulation and Analysis Center, shall conduct an air dispersion modeling analysis of release scenarios of toxic-inhalation-hazard materials resulting from a terrorist attack on a loaded railroad tank car carrying such materials in urban and rural environments.

(2) CONSIDERATIONS.—The analysis under this subsection shall take into account the following considerations:

(A) The most likely means of attack and the resulting dispersal rate.

(B) Different times of day, to account for differences in cloud coverage and other atmospheric conditions in the environment being modeled.

(C) Differences in population size and density.

(D) Historically accurate wind speeds, temperatures, and wind directions.

(E) Differences in dispersal rates or other relevant factors related to whether a railroad tank car is in motion or stationary.

(F) Emergency response procedures by local officials.

(G) Any other considerations the Secretary believes would develop an accurate, plausible dispersion model for toxic-inhalation-hazard materials released from a railroad tank car as a result of a terrorist act.

(3) CONSULTATION.—In conducting the dispersion modeling under paragraph (1), the Secretary shall consult with the Secretary of Transportation, hazardous materials experts, railroad carriers, nonprofit employee labor organizations representing railroad employees, appropriate State, local, and tribal officials, and other Federal agencies, as appropriate.

(4) INFORMATION SHARING.—Upon completion of the analysis required under paragraph (1), the Secretary shall share the information developed with the appropriate stakeholders, given appropriate information protection provisions as may be required by the Secretary.

(5) REPORT.—Not later than 30 days after completion of all dispersion analyses under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report detailing the Secretary's conclusions and findings in an appropriate format.

SEC. 1520. RAILROAD THREAT ASSESSMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all railroad frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).

SEC. 1521. RAILROAD EMPLOYEE PROTECTIONS.

Section 20109 of title 49, United States Code, is amended to read:

"SEC. 20109. EMPLOYEE PROTECTIONS.

''(a) IN GENERAL.—A railroad carrier engaged in interstate or foreign commerce, a contractor or a subcontractor of such a railroad carrier, or an officer or employee of such a railroad carrier, may not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—

''(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to railroad safety or security, or gross fraud, waste, or abuse of Federal grants or other public funds intended to be used for railroad safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—

''(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

''(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

''(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;

''(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to railroad safety or security;

''(3) to file a complaint, or directly cause to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or to testify in that proceeding;

''(4) to notify, or attempt to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;

''(5) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board;

''(6) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or

''(7) to accurately report hours on duty pursuant to chapter 211.

''(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, or an officer or employee of such a railroad carrier, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—

''(A) reporting, in good faith, a hazardous safety or security condition;

''(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

''(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or

security condition, if the conditions described in paragraph (2) exist.

''(2) A refusal is protected under paragraph (1)(B) and (C) if—

''(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

''(B) a reasonable individual in the circumstances then confronting the employee would conclude that—

''(i) the hazardous condition presents an imminent danger of death or serious injury; and

''(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

''(C) the employee, where possible, has notified the railroad carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

''(3) In this subsection, only paragraph (1)(A) shall apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.

''(c) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge, discipline, or other discrimination in violation of subsection (a) or (b) of this section, may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b), including:

''(i) BURDENS OF PROOF.—Any action brought under (c)(1) shall be governed by the legal burdens of proof set forth in section 42121(b).

''(ii) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 180 days after the date on which the alleged violation of subsection (a) or (b) of this section occurs.

''(iii) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred, as set forth in 42121.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and the person's employer.

''(3) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(4) APPEALS.—Any person adversely affected or aggrieved by an order issued pursuant to the procedures in section 42121(b), may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. The review shall conform to chapter 7 of title 5. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

''(d) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.

''(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in subsection (c)(3)) shall include—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

''(B) any backpay, with interest; and

''(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.

''(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the railroad carrier.

''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(h) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or a regulation prescribed or order issued under any of those provisions.

''(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosures shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

''(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding railroad security problems, deficiencies, or vulnerabilities.

''(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

''(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.''.

SEC. 1522. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SECURITY BACKGROUND CHECK.—The term ''security background check'' means reviewing, for the purpose of identifying individuals who may pose a threat to transportation security or national security, or of terrorism—

(A) relevant criminal history databases;

(B) in the case of an alien (as defined in the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), the relevant databases to determine the status of the alien under the immigration laws of the United States; and

(C) other relevant information or databases, as determined by the Secretary.

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of a railroad carrier or a contractor or subcontractor of a railroad carrier.

(b) GUIDANCE.—

(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action items issued by the Secretary to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.

(2) Within 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (1).

(3) If a railroad carrier or a contractor or subcontractor of a railroad carrier performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.

(c) REQUIREMENTS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, then the Secretary shall prohibit the railroad carrier or contractor or subcontractor of a railroad carrier from making an adverse employment decision, including removal or suspension of the covered individual, due to such rule, regulation, or directive with respect to a covered individual unless the railroad carrier or contractor or subcontractor of a railroad carrier determines that the covered individual—

(1) has been convicted of, has been found not guilty by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check; or

(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check.

(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, the Secretary shall—

(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation employees at ports, as required by section 70105(c) of title 46, United States Code; and

(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a railroad carrier or contractor or subcontractor of a railroad carrier wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.

(e) FALSE STATEMENTS.—A railroad carrier or a contractor or subcontractor of a railroad carrier may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that prohibits a railroad carrier or a contractor or subcontractor of a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a railroad carrier's or a contractor or subcontractor of a railroad carrier's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a railroad carrier, or a contractor or subcontractor of a railroad carrier, under any other Federal, State, or local laws or under any collective bargaining agreement.

(g) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks, of covered individuals.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 1523. NORTHERN BORDER RAILROAD PASSENGER REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal departments and agencies and Amtrak shall transmit a report to the appropriate congressional committees that contains—

(1) a description of the current system for screening passengers and baggage on passenger railroad service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for railroad passengers traveling between the United States and Canada to the Department;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for prescreening of such passengers and providing prescreened passenger lists to the Department; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

(b) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In preparing the report under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the report must contain a privacy impact assessment conducted by the Chief Privacy Officer and a review conducted by the Officer for Civil Rights and Civil Liberties.

SEC. 1524. INTERNATIONAL RAILROAD SECURITY PROGRAM.

(a) IN GENERAL.—

(1) The Secretary shall develop a system to detect both undeclared passengers and contraband, with a primary focus on the detection of nuclear and radiological materials entering the United States by railroad.

(2) SYSTEM REQUIREMENTS.—In developing the system under paragraph (1), the Secretary may, in consultation with the Domestic Nuclear Detection Office, Customs and Border Protection, and the Transportation Security Administration—

(A) deploy radiation detection equipment and nonintrusive imaging equipment at locations where railroad shipments cross an international border to enter the United States;

(B) consider the integration of radiation detection technologies with other nonintrusive inspection technologies where feasible;

(C) ensure appropriate training, operations, and response protocols are established for Federal, State, and local personnel;

(D) implement alternative procedures to check railroad shipments at locations where the deployment of nonintrusive inspection imaging equipment is determined to not be practicable;

(E) ensure, to the extent practicable, that such technologies deployed can detect terrorists or weapons, including weapons of mass destruction; and

(F) take other actions, as appropriate, to develop the system.

(b) ADDITIONAL INFORMATION.—The Secretary shall—

(1) identify and seek the submission of additional data elements for improved high-risk targeting related to the movement of cargo through the international supply chain utilizing a railroad prior to importation into the United States;

(2) utilize data collected and maintained by the Secretary of Transportation in the targeting of high-risk cargo identified under paragraph (1); and

(3) analyze the data provided in this subsection to identify high-risk cargo for inspection.

(c) REPORT TO CONGRESS.—Not later than September 30, 2008, the Secretary shall transmit to the appropriate congressional committees a report that describes the progress of the system being developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States, beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

(2) RADIATION DETECTION EQUIPMENT.—The term ''radiation detection equipment'' means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(3) INSPECTION.—The term ''inspection'' means the comprehensive process used by Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws.

SEC. 1525. TRANSMISSION LINE REPORT.

(a) STUDY.—The Comptroller General shall undertake an assessment of the placement of high-voltage, direct-current, electric transmission lines along active railroad and other transportation rights-of-way. In conducting the assessment, the Comptroller General shall evaluate any economic, safety, and security risks and benefits to inhabitants living adjacent to such rights-of-way and to consumers of electric power transmitted by such transmission lines.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall transmit the results of the assessment in subsection (a) to the appropriate congressional committees.

SEC. 1526. RAILROAD SECURITY ENHANCEMENTS.

(a) RAILROAD POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by adding at the end the following:

''(b) ASSIGNMENT.—A railroad police officer employed by a railroad carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second railroad carrier in carrying out law enforcement duties upon the request of the second railroad carrier, at which time the police officer shall be considered to be an employee of the second railroad carrier and shall have authority to enforce the laws of any jurisdiction in which the second railroad carrier owns property to the same extent as provided in subsection (a).''.

(b) MODEL STATE LEGISLATION.—Not later than November 2, 2007, the Secretary of Transportation shall develop and make available to States model legislation to address the problem of entities that claim to be railroad carriers in order to establish and run a police force when the entities do not in fact provide railroad transportation. In developing the model State legislation the Secretary shall solicit the input of the States, railroads carriers, and railroad carrier employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1527. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

''(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.''.

SEC. 1528. RAILROAD PREEMPTION CLARIFICATION.

Section 20106 of title 49, United States Code, is amended to read as follows:

"§ 20106. Preemption

''(a) NATIONAL UNIFORMITY OF REGULATION.—(1) Laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable.

''(2) A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order—

''(A) is necessary to eliminate or reduce an essentially local safety or security hazard;

''(B) is not incompatible with a law, regulation, or order of the United States Government; and

''(C) does not unreasonably burden interstate commerce.

''(b) CLARIFICATION REGARDING STATE LAW CAUSES OF ACTION.—(1) Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party—

''(A) has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), covering the subject matter as provided in subsection (a) of this section;

''(B) has failed to comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries; or

''(C) has failed to comply with a State law, regulation, or order that is not incompatible with subsection (a)(2).

''(2) This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.

''(c) JURISDICTION.—Nothing in this section creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.''.

Subtitle C—Over-the-Road Bus and Trucking Security

SEC. 1531. OVER-THE-ROAD BUS SECURITY ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) require each over-the-road bus operator assigned to a high-risk tier under this section—

(A) to conduct a vulnerability assessment in accordance with subsections (c) and (d); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with subsection (e); and

(2) establish standards and guidelines for developing and implementing the vulnerability assessments and security plans for carriers assigned to high-risk tiers consistent with this section.

(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for over-the-road bus operators not assigned to a high-risk tier, including—

(1) guidance for such operators in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and

(2) a process to review and approve such assessments and plans, as appropriate.

(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for over-the-road bus operators assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.

(d) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of an operator assigned to a high-risk tier under this section includes, as appropriate—

(A) identification and evaluation of critical assets and infrastructure, including platforms, stations, terminals, and information systems;

(B) identification of the vulnerabilities to those assets and infrastructure; and

(C) identification of weaknesses in—

(i) physical security;

(ii) passenger and cargo security;

(iii) the security of programmable electronic devices, computers, or other automated systems which are used in providing over-the-road bus transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems and utilities needed for over-the-road bus security purposes, including dispatching systems;

(vi) emergency response planning;

(vii) employee training; and

(viii) such other matters as the Secretary determines appropriate.

(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of an over-the-road bus operator, as designated by the over-the-road bus operator, threat information that is relevant to the operator when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in over-the-road bus security.

(e) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in preparing and implementing security plans under this section and shall require that each security plan of an over-the-road bus operator assigned to a high-risk tier under this section includes, as appropriate—

(A) the identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements; and

(iii) to receive communications from appropriate Federal officials regarding over-the-road bus security;

(B) a list of needed capital and operational improvements;

(C) procedures to be implemented or used by the over-the-road bus operator in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities, as appropriate;

(D) the identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(E) a strategy and timeline for conducting training under section 1534;

(F) enhanced security measures to be taken by the over-the-road bus operator when the Secretary declares a period of heightened security risk;

(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the over-the-road bus operator's system in the event of a terrorist attack or other incident; and

(H) such other actions or procedures as the Secretary determines are appropriate to address the security of over-the-road bus operators.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.

(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);

(2) require amendments to any security plan that does not meet the requirements of this section; and

(3) approve any vulnerability assessment or security plan that meets the requirements of this section.

(g) INTERIM SECURITY MEASURES.—The Secretary may require over-the-road bus operators, during the period before the deadline established under subsection (c), to submit a security plan to implement any necessary interim security measures essential to providing adequate security of the over-the-road bus operator's system. An interim plan required under this subsection shall be superseded by a plan required under subsection (c).

(h) TIER ASSIGNMENT.—The Secretary shall assign each over-the-road bus operator to a risk-based tier established by the Secretary.

(1) PROVISION OF INFORMATION.—The Secretary may request, and an over-the-road bus operator shall provide, information necessary for the Secretary to assign an over-the-road bus operator to the appropriate tier under this subsection.

(2) NOTIFICATION.—Not later than 60 days after the date an over-the-road bus operator is assigned to a tier under this section, the Secretary shall notify the operator of the tier to which it is assigned and the reasons for such assignment.

(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this section shall be a tier designated for high-risk over-the-road bus operators.

(4) REASSIGNMENT.—The Secretary may reassign an over-the-road bus operator to another tier, as appropriate, in response to changes in risk and the Secretary shall notify the over-the-road bus operator within 60 days after such reassignment and provide the operator with the reasons for such reassignment.

(i) EXISTING PROCEDURES, PROTOCOLS, AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by an over-the-road bus operator or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of an over-the-road bus operator satisfy the requirements of this section, the over-the-road bus operator may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of an over-the-road bus operator satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the operator of any additional information relevant to the vulnerability assessment and security plan of the operator to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or

standards of an over-the-road bus operator under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the operator a written notification that includes an explanation of the reasons for nonacceptance.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by an over-the-road bus operator under this section; and

(B) to approve or disapprove each submission on an individual basis.

(j) PERIODIC EVALUATION BY OVER-THE-ROAD BUS PROVIDER REQUIRED.—

(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), an over-the-road bus operator who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier shall also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the over-the-road bus operator submitting the evaluation of the Secretary's approval or disapproval of the evaluation.

(k) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that an over-the-road bus operator shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.

(l) NONDISCLOSURE OF INFORMATION.—

(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from an over-the-road bus operator under any other Federal law.

SEC. 1532. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program for making grants to eligible private operators providing transportation by an over-the-road bus for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant received under subsection (a) shall use the grant funds for one or more of the following:

(1) Constructing and modifying terminals, garages, and facilities, including terminals and other over-the-road bus facilities owned by State or local governments, to increase their security.

(2) Modifying over-the-road buses to increase their security.

(3) Protecting or isolating the driver of an over-the-road bus.

(4) Acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or other means and for information links with government agencies, for security purposes.

(5) Installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities.

(6) Establishing and improving an emergency communications system linking drivers and over-the-road buses to the recipient's operations center or linking the operations center to law enforcement and emergency personnel.

(7) Implementing and operating passenger screening programs for weapons and explosives.

(8) Public awareness campaigns for enhanced over-the-road bus security.

(9) Operating and capital costs associated with over-the-road bus security awareness, preparedness, and response training, including training under section 1534 and training developed by institutions of higher education and by nonprofit employee labor organizations, for over-the-road bus employees, including frontline employees.

(10) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(11) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to over-the-road bus security during periods of high or severe threat levels, National Special Security Events, or other periods of heightened security as determined by the Secretary.

(12) Live or simulated exercises, including those described in section 1533.

(13) Operational costs to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to over-the-road bus transportation, including reimbursement of State, local, and tribal government costs for such personnel.

(14) Development of assessments or security plans under section 1531.

(15) Such other improvements as the Secretary considers appropriate.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall prioritize grant funding based on security risks to bus passengers and the ability of a project to reduce, or enhance response to, that risk, and shall not penalize private operators of over-the-road buses that have taken measures to enhance over-the-road bus transportation security prior to September 11, 2001.

(d) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) select grant recipients;

(3) award the funds authorized by this section based on risk, as identified by the plans required under section 1531 or assessment or plan described in subsection (f)(2); and

(4) pursuant to subsection (c), establish priorities for the use of funds for grant recipients.

(e) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(f) ELIGIBILITY.—

(1) A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 1531. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

(2) Notwithstanding the requirements for eligibility and uses in paragraph (1), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1531 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for over-the-road bus security improvements listed under subsection (b) based upon over-the-road bus vulnerability assessments and security plans that the Secretary deems are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1531.

(g) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide over-the-road bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as are determined necessary by the Secretary.

(h) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(i) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary and on the use of such grant funds.

(j) CONSULTATION.—In carrying out this section, the Secretary shall consult with over-the-road bus operators and nonprofit employee labor organizations representing over-the-road bus employees, public safety and law enforcement officials.

(k) AUTHORIZATION.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to make grants under this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009;

(C) $25,000,000 for fiscal year 2010; and

(D) $25,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 1533. OVER-THE-ROAD BUS EXERCISES.

(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for over-the-road bus transportation for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) over-the-road bus operators and over-the-road bus terminal owners and operators;

(3) governmental and nongovernmental emergency response providers and law enforcement agencies; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary shall ensure that the program—

(1) consolidates existing security exercises for over-the-road bus operators and terminals administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement, as appropriate;

(2) consists of exercises that are—

(A) scaled and tailored to the needs of the over-the-road bus operators and terminals, including addressing the needs of the elderly and individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of over-the-road bus frontline employees; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the

National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with operators providing over-the-road bus transportation, nonprofit employee organizations that represent over-the-road bus employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, and law enforcement personnel; and

(C) used to develop recommendations, as appropriate, provided to over-the-road bus operators and terminal owners and operators on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and over-the-road bus operators and terminal owners and operators in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (2).

(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is consistent with the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

SEC. 1534. OVER-THE-ROAD BUS SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for an over-the-road bus training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) CONSULTATION.—The Secretary shall develop regulations under subsection (a) in consultation with—

(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;

(2) operators providing over-the-road bus transportation; and

(3) nonprofit employee labor organizations representing over-the-road bus employees and emergency response personnel.

(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs, to include, at a minimum, elements to address the following, as applicable:

(1) Determination of the seriousness of any occurrence or threat.

(2) Driver and passenger communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of personal and other protective equipment.

(5) Evacuation procedures for passengers and over-the-road bus employees, including individuals with disabilities and the elderly.

(6) Psychology, behavior, and methods of terrorists, including observation and analysis.

(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.

(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

(10) Understanding security incident procedures, including procedures for communicating with emergency response providers and for on-scene interaction with such emergency response providers.

(11) Operation and maintenance of security equipment and systems.

(12) Other security training activities that the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues the regulations under subsection (a), each over-the-road bus operator shall develop a security training program in accordance with such regulations and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program under this subsection, the Secretary shall approve the program or require the over-the-road bus operator that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of the regulations. An over-the-road bus operator shall respond to the Secretary's comments not later than 30 days after receiving them.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the over-the-road bus operator that developed the program shall complete the training of all over-the-road bus frontline employees who were hired by the operator more than 30 days preceding such date. For such employees employed less than 30 days by an operator preceding such date, training shall be completed within the first 60 days of employment.

(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each over-the-road bus operator shall revise its training program accordingly and provide additional training as necessary to its employees within a reasonable time after the regulations are updated.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).

(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of over-the-road bus operators and over-the-road bus frontline employees, and report to the appropriate congressional committees of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.

SEC. 1535. OVER-THE-ROAD BUS SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of over-the-road buses.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of over-the-road buses, stations, terminals, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved technologies, including those for—

(A) emergency response training, including training in a tunnel environment, if appropriate; and

(B) security and redundancy for critical communications, electrical power, computer, and over-the-road bus control systems; and

(4) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—

(1) shall ensure that the research and development program is consistent with the other transportation security research and development programs required by this Act;

(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—

(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(B) the National Academy of Sciences;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities;

(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) may award grants and enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and eligible recipients under section 1532; and

(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with private operators providing over-the-road bus transportation willing to contribute assets, physical space, and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—

(A) $2,000,000 for fiscal year 2008;

(B) $2,000,000 for fiscal year 2009;

(C) $2,000,000 for fiscal year 2010; and

(D) $2,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.

SEC. 1536. MOTOR CARRIER EMPLOYEE PROTECTIONS.

Section 31105 of title 49, United States Code, is amended to read:

''(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

''(A)(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

''(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

''(B) the employee refuses to operate a vehicle because—

''(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

''(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

''(C) the employee accurately reports hours on duty pursuant to chapter 315;

''(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

''(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

''(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

''(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

''(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

''(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

''(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

''(iii) pay compensatory damages, including backpay with interest and compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(B) If the Secretary of Labor issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary of Labor may assess against the person against whom the order is issued the costs (including attorney fees) reasonably incurred by the complainant in bringing the complaint. The Secretary of Labor shall determine the costs that reasonably were incurred.

''(C) Relief in any action under subsection (b) may include punitive damages in an amount not to exceed $250,000.

''(c) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(d) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. Review shall conform to chapter 7 of title 5. The review shall be heard and decided expeditiously. An order of the Secretary of Labor subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

''(e) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary of Labor shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(h) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information about an alleged violation of this part, or a regulation prescribed or order issued under any of those provisions.

''(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

''(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding motor carrier vehicle security problems, deficiencies, or vulnerabilities.

''(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

''(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

''(j) DEFINITION.—In this section, 'employee' means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

''(1) directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier; and

''(2) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.''.

SEC. 1537. UNIFIED CARRIER REGISTRATION SYSTEM AGREEMENT.

(a) REENACTMENT OF SSRS.—Section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, shall be in effect as a law of the United States for the period beginning on January 1, 2007, ending on the earlier of January 1, 2008, or the effective date of the final regulations issued pursuant to subsection (b).

(b) DEADLINE FOR FINAL REGULATIONS.—Not later than October 1, 2007, the Federal Motor Carrier Safety Administration shall issue final regulations to establish the Unified Carrier Registration System, as required by section 13908 of title 49, United States Code, and set fees for the unified carrier registration agreement for calendar year 2007 or subsequent calendar years to be charged to motor carriers, motor private carriers, and freight forwarders under such agreement, as required by 14504a of title 49, United States Code.

(c) REPEAL OF SSRS.—Section 4305(a) of the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking ''the first January'' and all that follows through ''this Act'' and inserting ''January 1, 2008''.

SEC. 1538. SCHOOL BUS TRANSPORTATION SECURITY.

(a) SCHOOL BUS SECURITY RISK ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report, including a classified report, as appropriate, containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system in accordance with the requirements of this section.

(b) CONTENTS OF RISK ASSESSMENT.—The assessment shall include—

(1) an assessment of security risks to the Nation's school bus transportation system, including publicly and privately operated systems;

(2) an assessment of actions already taken by operators or others to address identified security risks; and

(3) an assessment of whether additional actions and investments are necessary to improve the security of passengers traveling on school buses and a list of such actions or investments, if appropriate.

(c) CONSULTATION.—In conducting the risk assessment, the Secretary shall consult with administrators and officials of school systems, representatives of the school bus industry, including both publicly and privately operated systems, public safety and law enforcement officials, and nonprofit employee labor organizations representing school bus drivers.

SEC. 1539. TECHNICAL AMENDMENT.

Section 1992(d)(7) of title 18, United States Code, is amended by inserting ''intercity bus transportation'' after ''includes''.

SEC. 1540. TRUCK SECURITY ASSESSMENT.

(a) DEFINITION.—For the purposes of this section, the term ''truck'' means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property when the vehicle—

(1) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(2) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under subtitle B, chapter I, subchapter C of title 49, Code of Federal Regulations.

(b) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Transportation, shall transmit a report to the appropriate congressional committees on truck security issues that includes—

(1) a security risk assessment of the trucking industry;

(2) an assessment of actions already taken by both public and private entities to address identified security risks;

(3) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(4) an assessment of ongoing research by public and private entities and the need for additional research on truck security;

(5) an assessment of industry best practices to enhance security; and

(6) an assessment of the current status of secure truck parking.

(c) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 1541. MEMORANDUM OF UNDERSTANDING ANNEX.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the Memorandum of Understanding between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources, and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including over-the-road bus security matters, and shall cover the processes the Departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1542. DHS INSPECTOR GENERAL REPORT ON TRUCKING SECURITY GRANT PROGRAM.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees on the Federal trucking industry security grant program, for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(F) marketing; and

(G) other functions.

(b) SUBSEQUENT REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees that—

(1) analyzes the performance, efficiency, and effectiveness of the Federal trucking industry security grant program, and the need for the program using all years of available data; and

(2) makes recommendations regarding the future of the program, including options to improve the effectiveness and utility of the program and motor carrier security.

Subtitle D—Hazardous Material and Pipeline Security

SEC. 1551. RAILROAD ROUTING OF SECURITY-SENSITIVE MATERIALS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall publish a final rule based on the Pipeline and Hazardous Materials Safety Administration's Notice of Proposed Rulemaking published on December 21, 2006, entitled ''Hazardous Materials: Enhancing Railroad Transportation Safety and Security for Hazardous Materials Shipments''. The final rule shall incorporate the requirements of this section and, as appropriate, public comments received during the comment period of the rulemaking.

(b) SECURITY-SENSITIVE MATERIALS COMMODITY DATA.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, no later than 90 days after the end of each calendar year, compile security-sensitive materials commodity data. Such data must be collected by route, line segment, or series of line segments, as aggregated by the railroad carrier. Within the railroad carrier selected route, the commodity data must identify the geographic location of the route and the total number of shipments by the United Nations identification number for the security-sensitive materials.

(c) RAILROAD TRANSPORTATION ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, for each calendar year, provide a written analysis of the safety and security risks for the transportation routes identified in the security-sensitive materials commodity data collected as required by subsection (b). The safety and security risks present shall be analyzed for the route, railroad facilities, railroad storage facilities, and high-consequence targets along or in proximity to the route.

(d) ALTERNATIVE ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to—

(1) for each calendar year—

(A) identify practicable alternative routes over which the railroad carrier has authority to operate as compared to the current route for such a shipment analyzed under subsection (c); and

(B) perform a safety and security risk assessment of the alternative route for comparison to the route analysis specified in subsection (c);

(2) ensure that the analysis under paragraph (1) includes—

(A) identification of safety and security risks for an alternative route;

(B) comparison of those risks identified under subparagraph (A) to the primary railroad transportation route, including the risk of a catastrophic release from a shipment traveling along the alternate route compared to the primary route;

(C) any remediation or mitigation measures implemented on the primary or alternative route; and

(D) potential economic effects of using an alternative route; and

(3) consider when determining the practicable alternative routes under paragraph (1)(A) the use of interchange agreements with other railroad carriers.

(e) ALTERNATIVE ROUTE SELECTION FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to use the analysis required by subsections (c) and (d) to select the safest and most secure route to be used in transporting security-sensitive materials.

(f) REVIEW.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to annually review and select the practicable route posing the least overall safety and security risk in accordance with this section. The railroad carrier must retain in writing all route review and selection decision documentation and restrict the distribution, disclosure, and availability of information contained in the route analysis to appropriate persons. This documentation should include, but is not limited to, comparative analyses, charts, graphics, or railroad system maps.

(g) RETROSPECTIVE ANALYSIS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, not less than once every 3 years, analyze the route selection determinations required under this section. Such an analysis shall include a comprehensive, systemwide review of all operational changes, infrastructure modifications, traffic adjustments, changes in the nature of high-consequence targets located along or in proximity to the route, or other changes affecting the safety and security of the movements of security-sensitive materials that were implemented since the previous analysis was completed.

(h) CONSULTATION.—In carrying out subsection (c), railroad carriers transporting security-sensitive materials in commerce shall seek relevant information from State, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets along or in proximity to a route used by a railroad carrier to transport security-sensitive materials.

(i) DEFINITIONS.—In this section:

(1) The term ''route'' includes storage facilities and trackage used by railroad cars in transportation in commerce.

(2) The term ''high-consequence target'' means a property, natural resource, location, area, or other target designated by the Secretary that is a viable terrorist target of national significance, which may include a facility or specific critical infrastructure, the attack of which by railroad could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

SEC. 1552. RAILROAD SECURITY-SENSITIVE MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1518 and consistent with the results of research relating to wireless and other

tracking technologies, the Secretary, in consultation with the Administrator of the Transportation Security Administration, shall develop a program that will encourage the equipping of railroad cars transporting security-sensitive materials, as defined in section 1501, with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of railroad car depressurization, breach, unsafe temperature, or release of hazardous materials, as appropriate.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for railroad car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material railroad tank car tracking pilot programs.

(b) FUNDING.—From the amounts appropriated pursuant to 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—

(1) $3,000,000 for fiscal year 2008;

(2) $3,000,000 for fiscal year 2009; and

(3) $3,000,000 for fiscal year 2010.

SEC. 1553. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

(1) document existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier, and develop a framework for using a geographic information system-based approach to characterize routes in the national hazardous materials route registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the safety and security concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based nonradioactive materials routing criteria and radioactive materials routing criteria in subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials, assess specific security risks associated with each route, and explore alternative mitigation measures; and

(7) transmit to the appropriate congressional committees a report on the actions taken to fulfill paragraphs (1) through (6) and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403, taking into account the various segments of the motor carrier industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the appropriate congressional committees containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance security and safety without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1554. MOTOR CARRIER SECURITY-SENSITIVE MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, consistent with the findings of the Transportation Security Administration's hazardous materials truck security pilot program, the Secretary, through the Administrator of the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of security-sensitive materials and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency distress signal.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or security-sensitive materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the hazardous material safety and security operational field test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting security-sensitive materials not included in the hazardous material safety and security operational field test report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of security-sensitive materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting security-sensitive materials;

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle or alert emergency response resources to locate and recover security-sensitive materials in the event of loss or theft of such materials;

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the costs, benefits, and practicality of such technology described in clause (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems and information the Secretary determines appropriate.

(b) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—

(1) $7,000,000 for fiscal year 2008 of which $3,000,000 may be used for equipment;

(2) $7,000,000 for fiscal year 2009 of which $3,000,000 may be used for equipment; and

(3) $7,000,000 for fiscal year 2010 of which $3,000,000 may be used for equipment.

(c) REPORT.—Not later than 1 year after the issuance of regulations under subsection (a), the Secretary shall issue a report to the appropriate congressional committees on the program developed and evaluation carried out under this section.

(d) LIMITATION.—The Secretary may not mandate the installation or utilization of a technology described under this section without additional congressional authority provided after the date of enactment of this Act.

SEC. 1555. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND STUDY.

(a) IN GENERAL.—The Secretary of Transportation shall consult with the Secretary to limit, to the extent practicable, duplicative reviews of the hazardous materials security plans required under part 172, title 49, Code of Federal Regulations.

(b) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerors of such commodities as compared to the costs and rates, respectively, for the transportation of nonhazardous materials.

SEC. 1556. TECHNICAL CORRECTIONS.

(a) CORRECTION.—Section 5103a of title 49, United States Code, is amended—

(1) in subsection (a)(1) by striking ''Secretary'' and inserting ''Secretary of Homeland Security'';

(2) in subsection (b) by striking ''Secretary'' each place it appears and inserting ''Secretary of Transportation'';

(3) in subsection (d)(1)(B) by striking ''Secretary'' and inserting ''Secretary of Homeland Security''; and

(4) in subsection (e) by striking ''Secretary'' and inserting ''Secretary of Homeland Security'' each place it appears.

(b) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—

(1) BACKGROUND CHECK.—An individual who has a valid transportation employee identification card issued by the Secretary under section 70105 of title 46, United States Code, shall be deemed to have met the background records check required under section 5103a of title 49, United States Code.

(2) STATE REVIEW.—Nothing in this subsection prevents or preempts a State from conducting a criminal records check of an individual that has applied for a license to operate a motor vehicle transporting in commerce a hazardous material.

SEC. 1557. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Transportation and the Department, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations of the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Not later than 12 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations shall incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for noncompliance.

(e) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1558. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Annex to the Memorandum of Understanding executed on August 9, 2006, the National Strategy for Transportation Security, and Homeland Security Presidential Directive 7, shall develop a pipeline security and incident recovery protocols plan. The plan shall include—

(1) for the Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1557 when—

(A) under severe security threat levels of alert; or

(B) under specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for restoring essential services supporting pipelines and granting access to pipeline operators for pipeline infrastructure repair, replacement, or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, nonprofit employee organizations representing pipeline employees, emergency responders, offerors, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing the plan required by subsection (a), including an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

TITLE XVI—AVIATION

SEC. 1601. AIRPORT CHECKPOINT SCREENING FUND.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting '', other than subsection (i),'' before ''except to''; and

(2) by adding at the end the following:

''(i) CHECKPOINT SCREENING SECURITY FUND.—

''(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

''(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

''(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.

''(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended by the Administrator of the Transportation Security Administration for the purchase, deployment, installation, research, and development of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.''.

SEC. 1602. SCREENING OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) AIR CARGO ON PASSENGER AIRCRAFT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage as follows:

''(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

''(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.

''(3) REGULATIONS.—

''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

''(B) FINAL RULE.—

''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the one-year period referred to in clause (i), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Committees containing updated information every 30 days thereafter until the final rule is issued.

''(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

''(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.

''(5) SCREENING DEFINED.—In this subsection the term 'screening' means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in

conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.''.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report containing an assessment of each exemption granted under section 44901(i)(1) of title 49, United States Code, for the screening required by such section for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened in accordance with section 44901(g) of title 49, United States Code;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(C) FORMAT.—The Secretary may submit the report under subparagraph (A) in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption under section 44901(i)(1) of title 49, United States Code.

SEC. 1603. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 through 2011''.

(b) SUBMISSION OF COST-SHARING STUDY AND PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

SEC. 1604. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''may make'' and inserting ''shall make'';

(2) in subsection (d)(1) by striking ''may'' and inserting ''shall'';

(3) in subsection (h)(1) by striking ''2007'' and inserting ''2028'';

(4) in subsection (h) by striking paragraphs (2) and (3) and inserting the following:

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.'';

(5) by redesignating subsection (i) as subsection (j); and

(6) by inserting after subsection (h) the following:

''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall establish a prioritization schedule for airport security improvement projects described in section 44923 of title 49, United States Code, based on risk and other relevant factors, to be funded under that section. The schedule shall include both hub airports referred to in paragraphs (29), (31), and (42) of section 40102 of such title and nonhub airports (as defined in section 47102(13) of such title).

(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial or completed in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1606. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code is amended by adding at the end the following:

''§ 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

''(a) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

''(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office shall—

''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

''(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

''(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

''(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—

''(A) require that Federal employees of the Department handling personally identifiable information of passengers (in this paragraph referred to as 'PII') complete mandatory privacy and security training prior to being authorized to handle PII;

''(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security

technical protections as the Secretary determines necessary;

''(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

''(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

''(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107–296);

''(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

''(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

''(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 44925 the following:

''44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.''.

SEC. 1607. STRENGTHENING EXPLOSIVES DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall issue the strategic plan the Secretary was required by section 44925(b) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) IMPLEMENTATION.—The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.''.

SEC. 1608. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note; 115 Stat. 637) is amended—

(1) by striking ''2002 through 2006'' and inserting ''2006 through 2011'';

(2) by striking ''aviation'' and inserting ''transportation''; and

(3) by striking ''2002 and 2003'' and inserting ''2006 through 2011''.

SEC. 1609. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1602, is further amended by adding at the end the following:

''(j) BLAST-RESISTANT CARGO CONTAINERS.—

''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

''(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before the date of enactment of this subsection; and

''(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

''(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

''(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

''(B) pay for the program; and

''(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

''(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.''.

SEC. 1610. PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 1611. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1612. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1613. PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;

(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not colocated with a screening checkpoint; and

(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

(A) the airport or airports selected to participate in the pilot program;

(B) the technologies to be tested;

(C) the potential savings from implementing the technologies at selected airport exits;

(D) the types of configurations expected to be deployed at such airports; and

(E) the expected financial contribution from each airport.

(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—

(A) the changes in security procedures and technologies deployed;

(B) the estimated cost savings at the airport or airports that participated in the pilot program; and

(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) USE OF EXISTING FUNDS.—This section shall be executed using existing funds.

SEC. 1614. SECURITY CREDENTIALS FOR AIRLINE CREWS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report

recommendations on the feasibility of implementing the system for the domestic aviation industry beginning one year after the date on which the report is submitted.

(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than one year after the date on which the Administrator submits the report under subsection (a).

SEC. 1615. LAW ENFORCEMENT OFFICER BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Section 44903(h)(6) of title 49, United States Code, is amended to read as follows:

''(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Attorney General, shall—

''(i) implement this section by publication in the Federal Register; and

''(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.

''(B) PROGRAM REQUIREMENTS.—The program shall—

''(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

''(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;

''(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;

''(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and

''(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

''(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

''(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;

''(ii) to preserve the anonymity of the armed law enforcement officer;

''(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;

''(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;

''(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;

''(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and

''(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees within 180 days explaining the reasons for the failure to implement the program within the time required by that section and a further report within each successive 90-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is functioning.

(2) CLASSIFIED FORMAT.—The Secretary may submit each report required by this subsection in classified format.

SEC. 1616. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, is amended—

(1) in each of subsections (a) and (b) by striking ''18 months'' and inserting ''6 months''; and

(2) in subsection (d) by inserting ''(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)'' before ''until''.

SEC. 1617. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by sections 1602 and 1609, is further amended by adding at the end the following:

''(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Administrator of the Transportation Security Administration shall—

''(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and

''(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

''(2) GRANT PROGRAM.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m)) for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

''(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall develop a risk-based system under which—

''(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

''(B) such information is checked against appropriate databases.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).''.

SEC. 1618. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2007, 2008, 2009, 2010, and 2011''.

TITLE XVII—MARITIME CARGO

SEC. 1701. CONTAINER SCANNING AND SEALS.

(a) CONTAINER SCANNING.—Section 232(b) of the SAFE Ports Act (6 U.S.C. 982(b)) is amended to read as follows:

''(b) FULL-SCALE IMPLEMENTATION.—

''(1) IN GENERAL.—A container that was loaded on a vessel in a foreign port shall not enter the United States (either directly or via a foreign port) unless the container was scanned by nonintrusive imaging equipment and radiation detection equipment at a foreign port before it was loaded on a vessel.

''(2) APPLICATION.—Paragraph (1) shall apply with respect to containers loaded on a vessel in a foreign country on or after the earlier of—

''(A) July 1, 2012; or

''(B) such other date as may be established by the Secretary under paragraph (3).

''(3) ESTABLISHMENT OF EARLIER DEADLINE.—The Secretary shall establish a date under (2)(B) pursuant to the lessons learned through the pilot integrated scanning systems established under section 231.

''(4) EXTENSIONS.—The Secretary may extend the date specified in paragraph (2)(A) or (2)(B) for 2 years, and may renew the extension in additional 2-year increments, for containers loaded in a port or ports, if the Secretary certifies to Congress that at least two of the following conditions exist:

''(A) Systems to scan containers in accordance with paragraph (1) are not available for purchase and installation.

''(B) Systems to scan containers in accordance with paragraph (1) do not have a sufficiently low false alarm rate for use in the supply chain.

''(C) Systems to scan containers in accordance with paragraph (1) cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system.

''(D) Systems to scan containers in accordance with paragraph (1) cannot be integrated, as necessary, with existing systems.

''(E) Use of systems that are available to scan containers in accordance with paragraph (1) will significantly impact trade capacity and the flow of cargo.

''(F) Systems to scan containers in accordance with paragraph (1) do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

''(5) EXEMPTION FOR MILITARY CARGO.—Notwithstanding any other provision in the section, supplies bought by the Secretary of Defense and transported in compliance section 2631 of title 10, United States Code, and military cargo of foreign countries are exempt from the requirements of this section.

''(6) REPORT ON EXTENSIONS.—An extension under paragraph (4) for a port or ports shall take effect upon the expiration of the 60-day period beginning on the date the Secretary provides a report to Congress that—

''(A) states what container traffic will be affected by the extension;

''(B) provides supporting evidence to support the Secretary's certification of the basis for the extension; and

''(C) explains what measures the Secretary is taking to ensure that scanning can be implemented as early as possible at the port or ports that are the subject of the report.

''(7) REPORT ON RENEWAL OF EXTENSION.—If an extension under paragraph (4) takes effect, the Secretary shall, after one year, submit a report to Congress on whether the Secretary expects to seek to renew the extension.

''(8) SCANNING TECHNOLOGY STANDARDS.—In implementing paragraph (1), the Secretary shall—

''(A) establish technological and operational standards for systems to scan containers;

''(B) ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and

''(C) coordinate with other Federal agencies that administer scanning or detection programs at foreign ports.

''(9) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this subsection, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders, and ensure that actions under this section do not violate international trade obligations, and are consistent with the World Customs Organization framework, or other international obligations of the United States.''.

(b) DEADLINE FOR CONTAINER SECURITY STANDARDS AND PROCEDURES.—Section 204(a)(4) of the SAFE Port Act (6 U.S.C. 944(a)(4)) is amended by—

(1) striking ''(1) DEADLINE FOR ENFORCEMENT.—'' and inserting the following:

''(1) DEADLINE FOR ENFORCEMENT.—

''(A) ENFORCEMENT OF RULE.—''; and

(2) adding at the end the following:

''(B) INTERIM REQUIREMENT.—If the interim final rule described in paragraph (2) is not issued by April 1, 2008, then—

''(i) effective not later than October 15, 2008, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers; and

''(ii) the requirements of this subparagraph shall cease to be effective upon the effective date of the interim final rule issued pursuant to this subsection.''.

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

SEC. 1801. FINDINGS.

The 9/11 Commission has made the following recommendations:

(1) STRENGTHEN ''COUNTER-PROLIFERATION'' EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative, the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People's Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction program.

SEC. 1802. DEFINITIONS.

In this title:

(1) The terms ''prevention of weapons of mass destruction proliferation and terrorism'' and ''prevention of WMD proliferation and terrorism'' include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2729);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms ''weapons of mass destruction'' and ''WMD'' mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials used in the manufacture of such weapons.

(3) The term ''items of proliferation concern'' means—

(A) equipment, materials, or technology listed in—

(i) the Trigger List of the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group;

(ii) the Annex of the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology of the Nuclear Suppliers Group; or

(iii) any of the Common Control Lists of the Australia Group; and

(B) any other sensitive items.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

SEC. 1811. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Subsections (b) and (c) of section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) are repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(ii) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,'';

(B) in subsection (d)(1)—

(i) by striking ''The President may not'' and inserting ''The Secretary of Defense may not''; and

(ii) by striking ''until the President'' and inserting ''until the Secretary of Defense, with the concurrence of the Secretary of State,'';

(C) in subsection (d)(2)—

(i) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(ii) by striking ''the President shall'' and inserting ''the Secretary of Defense shall''; and

(iii) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate''; and

(D) in subsection (d) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

Subtitle B—Proliferation Security Initiative

SEC. 1821. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (in this subtitle referred to as ''PSI'') announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant United States Government agencies and departments that directs such agencies and departments to—

(A) establish clear PSI authorities, responsibilities, and structures;

(B) include in the budget request for each such agency or department for each fiscal year, a request for funds necessary for United States PSI-related activities; and

(C) provide other necessary resources to achieve more efficient and effective performance of United States PSI-related activities.

(2) Increasing PSI cooperation with all countries.

(3) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled ''Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities'' (GAO–06–937C) regarding the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(4) Establishing a multilateral mechanism to increase coordination, cooperation, and compliance among PSI-participating countries.

(b) BUDGET SUBMISSION.—

(1) IN GENERAL.—Each fiscal year in which activities are planned to be carried out under the PSI, the President shall include in the budget request for each participating United States Government agency or department for that fiscal year, a description of the funding and the activities for which the funding is requested for each such agency or department.

(2) REPORT.—Not later than the first Monday in February of each year in which the President submits a budget request described in paragraph (1), the Secretary of Defense and the Secretary of State shall submit to Congress a comprehensive joint report setting forth the following:

(A) A three-year plan, beginning with the fiscal year for the budget request, that specifies the amount of funding and other resources to be provided by the United States for PSI-related activities over the term of the plan, including the purposes for which such funding and resources will be used.

(B) For the report submitted in 2008, a description of the PSI-related activities carried out during the three fiscal years preceding the year of the report, and for the report submitted in 2009 and each year thereafter, a description of the PSI-related activities carried out during the fiscal year preceding the year of the report. The description shall include, for each fiscal year covered by the report—

(i) the amounts obligated and expended for such activities and the purposes for which such amounts were obligated and expended;

(ii) a description of the participation of each department or agency of the United States Government in such activities;

(iii) a description of the participation of each foreign country or entity in such activities;

(iv) a description of any assistance provided to a foreign country or entity participating in such activities in order to secure such participation, in response to such participation, or in order to improve the quality of such participation; and

(v) such other information as the Secretary of Defense and the Secretary of State determine should be included to keep Congress fully informed of the operation and activities of the PSI.

(3) CLASSIFICATION.—The report required by paragraph (2) shall be in an unclassified form but may include a classified annex as necessary.

(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (3) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), and (4) of subsection (a).

(d) GAO REPORTS.—The Government Accountability Office shall submit to Congress, for each of fiscal years 2007, 2009, and 2011, a report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

SEC. 1822. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

(a) IN GENERAL.—The President is authorized to provide assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) TYPES OF ASSISTANCE.—The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in PSI operations.

(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS.—

(1) LIMITATION.—Except as provided in paragraph (2), the President may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed, in connection with such transfer, that it will support and assist efforts by the United States, consistent with international law, to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the committees described in subsection (c) in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to any transfer, not involving significant military equipment, in which the primary use of the aircraft or vessel will be for counternarcotics, counterterrorism, or counterproliferation purposes.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1831. STATEMENT OF POLICY.

It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such policy shall be implemented with concrete measures, such as those described in this title, including the removal and modification of statutory limits to executing funds, the expansion and strengthening of the Proliferation Security Initiative, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this subtitle will be executed in a timely manner.

SEC. 1832. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2008 for the following purposes:

(A) Chemical weapons destruction at Shchuch'ye, Russia.

(B) Biological weapons proliferation prevention.

(C) Acceleration, expansion, and strengthening of Cooperative Threat Reduction Program activities.

(2) LIMITATION.—The sums appropriated pursuant to paragraph (1) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to the Department of Defense Cooperative Threat Reduction Program for such purposes.

(b) FUTURE YEARS.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

SEC. 1833. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation such sums as may be necessary for fiscal year 2008 to accelerate, expand, and strengthen the following programs to prevent weapons of mass destruction (WMD) proliferation and terrorism:

(1) The Global Threat Reduction Initiative.

(2) The Nonproliferation and International Security program.

(3) The International Materials Protection, Control and Accounting program.

(4) The Nonproliferation and Verification Research and Development program.

(b) LIMITATION.—The sums appropriated pursuant to subsection (a) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation for such purposes.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1841. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the ''Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism'' (in this section referred to as the ''Office'').

(b) OFFICERS.—

(1) UNITED STATES COORDINATOR.—The head of the Office shall be the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Coordinator'').

(2) DEPUTY UNITED STATES COORDINATOR.—There shall be a Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Deputy Coordinator''), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) APPOINTMENT.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) LIMITATION.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(5) ACCESS BY CONGRESS.—The establishment of the Office of the Coordinator within the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—

(A) information, documents, and studies in the possession of, or conducted by or at the direction of, the Coordinator; or

(B) personnel of the Office of the Coordinator.

(c) DUTIES.—The responsibilities of the Coordinator shall include the following:

(1) Serving as the principal advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of Energy, the Department of Defense, the Department of State, and the Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and

(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.

(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.

(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(d) STAFF.—The Coordinator may—

(1) appoint, employ, fix compensation, and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties under this title;

(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States policy with regard to the prevention of WMD proliferation and terrorism;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

(5) use the mails in the same manner as any other department or agency of the executive branch.

(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

(g) PARTICIPATION IN NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating the last subsection (added as ''(i)'' by section 301 of Public Law 105–292) as subsection (k); and

(2) by adding at the end the following:

''(l) PARTICIPATION OF COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—The United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (or, in the Coordinator's absence, the Deputy United States Coordinator) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to the prevention of weapons of mass destruction proliferation and terrorism, and, subject to the direction of the President, attend and participate in meetings of the National Security Council and the Homeland Security Council.''.

SEC. 1842. SENSE OF CONGRESS ON UNITED STATES-RUSSIA COOPERATION AND COORDINATION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

It is the sense of the Congress that, as soon as practical, the President should engage the President of the Russian Federation in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Office''), the authorities and responsibilities of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''United States Coordinator''), and the importance of strong cooperation between the United States Coordinator and a senior official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction proliferation and terrorism commensurate with those of the United States Coordinator, and with whom the United States Coordinator should coordinate planning and implementation of activities within and outside of the Russian Federation having the purpose of preventing weapons of mass destruction proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1851. ESTABLISHMENT OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the ''Commission'').

SEC. 1852. PURPOSES OF COMMISSION.

(a) IN GENERAL.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent weapons of mass destruction proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

SEC. 1853. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 1 member shall be appointed by the leader of the Senate of the Democratic Party (majority or minority leader, as the case may be), with the concurrence of the leader of the House of Representatives of the Democratic party (majority or minority leader as the case may be), who shall serve as chairman of the Commission;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic party;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Republican party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic party; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican party.

(b) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with significant depth of experience in the nonproliferation or arms control fields.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1854. RESPONSIBILITIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;

(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States

and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'') and implementation of such recommendations.

SEC. 1855. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) STAFF OF COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The chairman of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPHASIS ON SECURITY CLEARANCES.—Emphasis shall be made to hire employees and retain contractors and detailees with active security clearances.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 1856. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1857.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1857. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 1858. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1857.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

SEC. 1859. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for the purposes of the activities of the Commission under this title.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

TITLE XIX—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

SEC. 1901. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding after section 316, as added by section 1101 of this Act, the following:

''SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

''(2) DIRECTOR.—The Office shall be headed by a Director, who—

''(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and

''(B) may be an officer of the Department serving in another position.

''(3) RESPONSIBILITIES.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.

''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation

of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

''(c) MATCHING FUNDING.—

''(1) IN GENERAL.—

''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.

''(B) GRANT MATCHING AND REPAYMENT.—

''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.

''(3) LOANS OF EQUIPMENT.—The Director may make or accept loans of equipment for research and development and comparative testing purposes.

''(d) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

''(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing—

''(1) a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding; and

''(2) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

''(f) ANIMAL AND ZOONOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.

''(g) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:

''(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

''(2) Section 112b(c) of title 1, United States Code.

''(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

''(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

''(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 316, as added by section 1101 of this Act, the following:

''Sec. 317. Promoting antiterrorism through international cooperation program.''.

SEC. 1902. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XX—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

SEC. 2001. SHORT TITLE.

This title may be cited as the ''9/11 Commission International Implementation Act of 2007''.

SEC. 2002. DEFINITION.

In this title, except as otherwise provided, the term ''appropriate congressional committees''—

(1) means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) includes, for purposes of subtitle D, the Committees on Armed Services of the House of Representatives and of the Senate.

Subtitle A—Quality Educational Opportunities in Predominantly Muslim Countries.

SEC. 2011. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism''.

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] . . . directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education''.

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 2012 of this Act, with the goal of building and supporting public primary and secondary schools in predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

SEC. 2012. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:

''SEC. 7114. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.

''(a) PURPOSE.—The purpose of this section is to strengthen the public educational systems in predominantly Muslim countries by—

''(1) authorizing the establishment of an International Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

''(2) providing resources for the Fund and to the President to help strengthen the public educational systems in those countries.

''(b) ESTABLISHMENT OF FUND.—

''(1) AUTHORITY.—The President is authorized to establish an International Muslim Youth Opportunity Fund and to carry out programs consistent with paragraph (4) under existing authorities, including the Mutual Educational and Cultural Exchange Act of 1961 (commonly referred to as the 'Fulbright-Hays Act').

''(2) LOCATION.—The Fund may be established—

''(A) as a separate fund in the Treasury; or

''(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

''(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.

''(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in predominantly Muslim countries.

''(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—

''(i) The establishment in predominantly Muslim countries of a program of reform to create a

modern education curriculum in the public educational systems in such countries.

''(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

''(iii) Teaching English to adults and children.

''(iv) The enhancement in predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

''(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—

''(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

''(ii) The establishment of exchange programs for teachers and administrators in predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

''(iii) The establishment of exchange programs for primary and secondary students in predominantly Muslim countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

''(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

''(i) The establishment in predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

''(ii) The establishment in predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

''(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

''(i) The establishment of programs in predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

''(ii) The establishment of programs in predominantly Muslim countries that target older Muslim youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

''(E) OTHER TYPES OF ASSISTANCE.—

''(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

''(ii) The construction and equipping of modern community and university libraries.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

''(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

''(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter until January 30, 2010, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for predominantly Muslim children and youths, including the progress made toward establishing the International Muslim Youth Opportunity Fund.

''(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

SEC. 2013. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

SEC. 2014. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452 note) authorized the establishment of a pilot program to provide grants to American-sponsored schools in predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading by striking ''PILOT''; and

(B) in subsection (c)—

(i) in the subsection heading, by striking ''PILOT''; and

(ii) by striking ''pilot'';

(C) in subsection (d), by striking ''pilot'' each place it appears;

(D) in subsection (f) by striking ''pilot'';

(E) in subsection (g), in the first sentence—

(i) by inserting ''and April 15, 2008,'' after ''April 15, 2006,''; and

(ii) by striking ''pilot''; and

(F) in subsection (h)—

(i) by striking ''2005 and 2006'' and inserting ''2007 and 2008''; and

(ii) by striking ''pilot''.

(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

''7113. Program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.''.

Subtitle B—Democracy and Development in the Broader Middle East Region

SEC. 2021. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the broader Middle East region, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. Notwithstanding any other provision of law, the Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants, using such funds as an endowment, and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees of the designation of an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the broader Middle East region or working with local partners based in the broader Middle East region to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the broader Middle East region to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the broader Middle East region and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the broader Middle East region and to promote broad economic, social, and political reform for the people of the broader Middle East region.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and may retain for such purposes any interest earned without returning such interest to the Treasury of the United States. The Foundation may retain and use such funds as an endowment to carry out the purposes specified in subsection (a).

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) BROADER MIDDLE EAST REGION DEFINED.—In this section, the term ''broader Middle East region'' means Afghanistan, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle C—Reaffirming United States Moral Leadership

SEC. 2031. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations; and

(2) public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

''(4) DURATION.—The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.

''(c) REPORT.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.''.

SEC. 2032. OVERSIGHT OF INTERNATIONAL BROADCASTING.

(a) TRANSCRIPTION OF PERSIAN AND ARABIC LANGUAGE BROADCASTS.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farda, Radio Sawa, the Persian Service of the Voice of America, and Alhurra.

(b) RANDOM SAMPLING; PUBLIC AVAILABILITY.—The transcription required under subsection (a) shall consist of a random sampling of such programming. The transcripts shall be available to Congress and the public on the Internet site of the Board.

(c) REPORT.—Not later than May 1, 2008, the Chairman of the Broadcasting Board of Governors shall submit to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate a report on the feasibility and utility of continuing the pilot project required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the ''International Broadcasting Operations'' account of the Broadcasting Board of Governors $2,000,000 for fiscal year 2008 to carry out the pilot project required under subsection (a).

SEC. 2033. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN PREDOMINANTLY MUSLIM COUNTRIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in predominantly Muslim countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.

SEC. 2034. UNITED STATES POLICY TOWARD DETAINEES.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the ''9/11 Commission'') declared that the United States ''should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country's criminal laws'' and recommended that the United States engage its allies ''to develop a common coalition approach toward the detention and humane treatment of captured terrorists''.

(2) A number of investigations remain ongoing by countries that are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(3) The Secretary of State has launched an initiative to try to address the differences between the United States and many of its allies regarding the treatment of detainees.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, acting through the Legal Adviser of the Department of State,

should continue to build on the Secretary's efforts to engage United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations.

(c) REPORTING TO CONGRESS.—

(1) BRIEFINGS.—The Secretary of State shall keep the appropriate congressional committees fully and currently informed of the progress of any discussions between the United States and its allies regarding the development of the common coalition approach described in subsection (b).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the appropriate congressional committees a report on any progress towards developing the common coalition approach described in subsection (b).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 2041. AFGHANISTAN.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Following the ouster of the Taliban regime in 2001, the Government of Afghanistan, with assistance from the United States and the international community, has achieved some notable successes, including—

(A) adopting a constitution;

(B) holding presidential, parliamentary, and provincial council elections;

(C) improving the protection of human rights, including women's rights; and

(D) expanding educational opportunities.

(3) The following factors pose a serious and immediate threat to the stability of Afghanistan:

(A) Taliban and anti-government forces, al Qaeda, and criminal networks.

(B) Drug trafficking and corruption.

(C) Weak institutions of administration, security, and justice, including pervasive lack of the rule of law.

(D) Poverty, unemployment, and lack of provision of basic services.

(4) The United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan.

(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the people and Government of Afghanistan as they continue to commit to the path toward a government representing and protecting the rights of all Afghans, and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and al Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan, countries in the region or otherwise influenced by the trade and transit of narcotics, as well as North Atlantic Treaty Organization (NATO) partners of the United States, and in consultation with Congress, to assess the success of the current Afghan counter-narcotics strategy and to explore additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins, and the provision of comprehensive assistance to farmers who rely on opium for their livelihood, including through the promotion of alternative crops and livelihoods.

(3) The United States shall continue to work with and provide assistance to the Government of Afghanistan to strengthen local and national government institutions and the rule of law, including the training of judges and prosecutors, and to train and equip the Afghan National Security Forces.

(4) The United States shall continue to call on NATO members participating in operations in Afghanistan to meet their commitments to provide forces and equipment, and to lift restrictions on how such forces can be deployed.

(5) The United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan by taking the following actions:

(A) Facilitating greater communication, including through official mechanisms such as the Tripartite Commission and the Joint Intelligence Operations Center, and by promoting other forms of exchange between the parliaments and civil society of the two countries.

(B) Urging the Government of Afghanistan to enter into a political dialogue with Pakistan with respect to all issues relating to the border between the two countries, with the aim of establishing a mutually-recognized and monitored border, open to human and economic exchange, and with both countries fully responsible for border security.

(c) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

(d) EMERGENCY INCREASE IN EFFECTIVE POLICE TRAINING AND POLICING OPERATIONS.—

(1) CONGRESSIONAL FINDING.—Congress finds that police training programs in Afghanistan have achieved far less return on substantial investment to date and require a substantive review and justification of the means and purposes of such assistance, consequent to any provision of additional resources.

(2) ASSISTANCE AUTHORIZED.—The President shall make increased efforts, on an urgent basis, to—

(A) dramatically improve the capability and effectiveness of United States and international police trainers, mentors, and police personnel for police training programs in Afghanistan, as well as develop a pretraining screening program;

(B) increase the numbers of such trainers, mentors, and personnel only if such increase is determined to improve the performance and capabilities of the Afghanistan civil security forces; and

(C) assist the Government of Afghanistan, in conjunction with the Afghanistan civil security forces and their leadership, in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on United States efforts to fulfill the requirements of this subsection. The report required by this paragraph may be transmitted concurrently with any similar report required by the Afghanistan Freedom Support Act of 2002.

SEC. 2042. PAKISTAN.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) A democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against the Taliban, al Qaeda, and other terrorist groups, and is a responsible steward of its nuclear weapons and technology, is vital to the national security of the United States.

(2) Since September 11, 2001, the Government of Pakistan has been a critical ally and an important partner in removing the Taliban regime in Afghanistan and combating al Qaeda.

(3) Pakistan has made great sacrifices in the shared struggle against al Qaeda-affiliated terrorist groups, engaging in military operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism that have killed hundreds of Pakistani civilians.

(4) Publicly-stated goals of the Government of Pakistan and the national interests of the United States are in close agreement in many areas, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) enabling effective government institutions, including public education;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

(H) effectively dealing with violent extremism.

(5) The opportunity exists for shared effort in helping to achieve correlative goals with the Government of Pakistan, particularly—

(A) increased United States assistance to Pakistan, as appropriate, to achieve progress in meeting the goals of subparagraphs (A) through (C) of paragraph (4);

(B) increased commitment on the part of the Government of Pakistan to achieve the goals of paragraph (4)(D), particularly given continued concerns, based on the conduct of previous elections, regarding whether parliamentary elections scheduled for 2007 will be free, fair, and inclusive of all political parties and carried out in full accordance with internationally-recognized democratic norms; and

(C) increased commitment on the part of the Government of Pakistan to take actions described in paragraph (4)(E), particularly given—

(i) the continued operation of the Taliban's Quetta shura, as noted by then-North Atlantic Treaty Organization Supreme Allied Commander General James Jones in testimony before the Senate Foreign Relations Committee on September 21, 2006; and

(ii) the continued operation of al Qaeda affiliates Lashkar-e Taiba and Jaish-e Muhammad, sometimes under different names, as demonstrated by the lack of meaningful action taken against Hafiz Muhammad Saeed, Maulana Masood Azhar, and other known leaders and members of such terrorist organizations; and

(D) increased commitment on the part of the Government of the United States in regard to working with all elements of Pakistan society in helping to achieve the correlative goals described in subparagraphs (A) through (H) of paragraph (4).

(b) STATEMENTS OF POLICY.—The following shall be the policy of the United States:

(1) To maintain and deepen its friendship and long-term strategic relationship with Pakistan.

(2) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for terrorist groups, including those associated with al Qaeda or the Taliban.

(3) To support robust funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in working toward the goals described in subsection (a)(4), as the Government of Pakistan demonstrates a clear commitment to building a moderate, democratic state.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection.

(5) To facilitate a just resolution of the dispute over the territory of Kashmir, to the extent that such facilitation is invited and welcomed by the Governments of Pakistan and India and by the people of Kashmir.

(6) To facilitate greater communication and cooperation between the Governments of Afghanistan and Pakistan for the improvement of bilateral relations and cooperation in combating terrorism in both countries.

(7) To work with the Government of Pakistan to dismantle existing proliferation networks and prevent the proliferation of nuclear technology.

(c) STRATEGY RELATING TO PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that describes the long-term strategy of the United States to engage with the Government of Pakistan to achieve the goals described in subparagraphs (A) through (H) of subsection (a)(4) and to carry out the policies described in subsection (b).

(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(d) LIMITATION ON UNITED STATES SECURITY ASSISTANCE TO PAKISTAN.—

(1) LIMITATION.—For fiscal year 2008, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until the President transmits to the appropriate congressional committees a report that contains a determination of the President that the Government of Pakistan—

(A) is committed to eliminating from Pakistani territory any organization such as the Taliban, al Qaeda, or any successor, engaged in military, insurgent, or terrorist activities in Afghanistan;

(B) is undertaking a comprehensive military, legal, economic, and political campaign to achieving the goal described in subparagraph (A); and

(C) is currently making demonstrated, significant, and sustained progress toward eliminating support or safe haven for terrorists.

(2) MEMORANDUM OF JUSTIFICATION.—The President shall include in the report required by paragraph (1) a memorandum of justification setting forth the basis for the President's determination under paragraph (1).

(3) FORM.—The report required by paragraph (1) and the memorandum of justification required by paragraph (2) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(e) NUCLEAR PROLIFERATION.—

(1) CONGRESSIONAL FINDING.—Congress finds that the maintenance by any country of a procurement or supply network for the illicit proliferation of nuclear and missile technologies would be inconsistent with that country being considered an ally of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President such sums as may be necessary to provide assistance described in subsection (d)(1) for Pakistan for fiscal year 2008 in accordance with the requirements of subsection (d)(1).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(3) DECLARATION OF POLICY.—Congress declares that the amount of funds appropriated pursuant to the authorization of appropriations under paragraph (1) and for subsequent fiscal years shall be determined by the extent to which the Government of Pakistan displays demonstrable progress in—

(A) preventing al Qaeda and other terrorist organizations from operating in the territory of Pakistan, including eliminating terrorist training camps or facilities, arresting members and leaders of terrorist organizations, and countering recruitment efforts;

(B) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(C) implementing democratic reforms, including allowing free, fair, and inclusive elections at all levels of government in accordance with internationally-recognized democratic norms, and respecting the independence of the press and judiciary.

(4) BIANNUAL REPORTS TO CONGRESS.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a biannual report describing in detail the extent to which the Government of Pakistan has displayed demonstrable progress in meeting the goals described in subparagraphs (A) through (C) of paragraph (3).

(B) SCHEDULE FOR SUBMISSION.—The report required by subparagraph (A) shall be submitted not later than April 15 and October 15 of each year until October 15, 2009.

(C) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(g) EXTENSION OF WAIVERS.—

(1) AMENDMENTS.—The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

''(b) FISCAL YEARS 2007 AND 2008—''; and

(ii) in paragraph (1), by striking ''any provision'' and all that follows through ''that prohibits'' and inserting ''any provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits'';

(B) in section 3(2), by striking ''Such provision'' and all that follows through ''as are'' and inserting ''Such provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal years 2002 through 2008 (or any other appropriations Act) as are''; and

(C) in section 6, by striking ''the provisions'' and all that follows and inserting ''the provisions of this Act shall terminate on October 1, 2008.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) SENSE OF CONGRESS.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by demonstrable progress in achieving the goals described in subparagraphs (A) through (C) of subsection (f)(3).

SEC. 2043. SAUDI ARABIA.

(a) CONGRESSIONAL FINDINGS.—Congress finds that:

(1) The National Commission on Terrorist Attacks Upon the United States concluded that the Kingdom of Saudi Arabia has ''been a problematic ally in combating Islamic extremism. At the level of high policy, Saudi Arabia's leaders cooperated with American diplomatic initiatives aimed at the Taliban or Pakistan before 9/11. At the same time, Saudi Arabia's society was a place where al Qaeda raised money directly from individuals and through charities. It was the society that produced 15 of the 19 hijackers.''.

(2) Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, a lack of political outlets for its citizens, and restrictions on religious pluralism, that poses a threat to the security of the United States, the international community, and Saudi Arabia itself.

(3) The National Commission on Terrorist Attacks Upon the United States concluded that the ''problems in the U.S.-Saudi relationship must be confronted, openly''. It recommended that the two countries build a relationship that includes a ''shared commitment to political and economic reform . . . and a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred''.

(4) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that country or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(5) The United States and Saudi Arabia established a Strategic Dialogue in 2005, which provides a framework for the two countries to discuss a range of bilateral issues at high levels, including counterterrorism policy and political and economic reforms.

(6) It is in the national security interest of the United States to support the Government of Saudi Arabia in undertaking a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political and religious rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, and promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms, including greater religious freedom, throughout the country.

(c) PROGRESS IN COUNTERTERRORISM AND OTHER COOPERATION.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that—

(A) describes the long-term strategy of the United States—

(i) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms, including greater religious freedom, that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(ii) to work with the Government of Saudi Arabia to combat terrorism, including through effective measures to prevent and prohibit the financing of terrorists by Saudi institutions and citizens; and

(B) provides an assessment of the progress made by Saudi Arabia since 2001 on the matters described in subparagraph (A), including—

(i) whether Saudi Arabia has become a party to the International Convention for the Suppression of the Financing of Terrorism; and

(ii) the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

TITLE XXI—ADVANCING DEMOCRATIC VALUES

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007'' or the ''ADVANCE Democracy Act of 2007''.

SEC. 2102. FINDINGS.

Congress finds the following:

(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.

(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.

(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.

(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.

(5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.

(6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.

SEC. 2103. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(2) to affirm fundamental freedoms and internationally recognized human rights in foreign countries, as reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(3) to protect and promote such fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;

(4) to commit to the long-term challenge of promoting universal democracy by promoting democratic institutions, including institutions that support the rule of law (such as an independent judiciary), an independent and professional media, strong legislatures, a thriving civil society, transparent and professional independent governmental auditing agencies, civilian control of the military, and institutions that promote the rights of minorities and women;

(5) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage, including by—

(A) providing appropriate support to individuals, nongovernmental organizations, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries; and

(B) providing political, economic, and other support to foreign countries and individuals, nongovernmental organizations, and movements that are willingly undertaking a transition to democracy; and

(6) to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 2104. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term ''Annual Report on Advancing Freedom and Democracy'' refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(4) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms ''Community of Democracies'' and ''Community'' mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(5) DEPARTMENT.—The term ''Department'' means the Department of State.

(6) NONDEMOCRATIC COUNTRY OR DEMOCRATIC TRANSITION COUNTRY.—The term ''nondemocratic country'' or ''democratic transition country'' shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether the country exhibits the following characteristics:

(A) All citizens of such country have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country.

(B) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.

(C) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.

(D) All citizens in such country have a right to, and are not restricted in practice from, fully exercising such fundamental freedoms as the freedom of expression, conscience, and peaceful assembly and association, and such country has a free, independent, and pluralistic media.

(E) The current government of such country did not come to power in a manner contrary to the rule of law.

(F) Such country possesses an independent judiciary and the government of such country generally respects the rule of law.

(G) Such country does not violate other core principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, United Nations Commission on Human Rights Resolution 1499/57 (entitled ''Promotion of the Right to Democracy''), and the United Nations General Assembly Resolution 55/96 (entitled ''Promoting and consolidating democracy'').

(H) As applicable, whether the country has scored favorably on the political, civil liberties, corruption, and rule of law indicators used to determine eligibility for financial assistance disbursed from the Millennium Challenge Account.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of State.

Subtitle A—Activities to Enhance the Promotion of Democracy

SEC. 2111. DEMOCRACY PROMOTION AT THE DEPARTMENT OF STATE.

(a) DEMOCRACY LIAISON OFFICERS.—

(1) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions. Democracy Liaison Officers shall serve under the supervision of the Assistant Secretary. Democracy Liaison Officers may be assigned to the following posts:

(A) United States missions to, or liaisons with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States, and any other appropriate regional organization, the Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(B) Regional public diplomacy centers of the Department of State.

(C) United States combatant commands.

(D) Other posts as designated by the Secretary.

(2) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(A) provide expertise on effective approaches to promote and build democracy;

(B) assist in formulating and implementing strategies for transitions to democracy; and

(C) carry out such other responsibilities as the Secretary or the Assistant Secretary may assign.

(3) NEW POSITIONS.—To the fullest extent practicable, taking into consideration amounts appropriated to carry out this subsection and personnel available for assignment to the positions described in paragraph (1), the Democracy Liaison Officer positions established under subsection (a) shall be new positions that are in addition to existing positions with responsibility for other human rights and democracy related issues and programs, including positions with responsibility for labor issues.

(4) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this subsection may be construed as altering any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any

authority or responsibility for the development or implementation of strategies to promote democracy.

(b) OFFICE RELATED TO DEMOCRATIC MOVEMENTS AND TRANSITIONS.—

(1) ESTABLISHMENT.—There shall be identified within the Bureau of Democracy, Human Rights, and Labor of the Department at least one office that shall be responsible for working with democratic movements and facilitating the transition to full democracy of nondemocratic countries and democratic transition countries.

(2) RESPONSIBILITIES.—The Assistant Secretary shall, including by acting through the office or offices identified pursuant to paragraph (1)—

(A) provide support for Democratic Liaison Officers established under subsection (a);

(B) develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements that are committed to the peaceful promotion of democracy and fundamental rights and freedoms, including fostering relationships with the United States Government and the governments of other democratic countries; and

(C) assist officers and employees of regional bureaus of the Department to develop strategies and programs to promote peaceful change in nondemocratic countries and democratic transition countries.

(3) LIAISON.—Within the Bureau of Democracy, Human Rights, and Labor, the Assistant Secretary shall identify officers or employees who have expertise in and shall be responsible for working with nongovernmental organizations, individuals, and movements that develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements in foreign countries that are committed to the peaceful promotion of democracy and fundamental rights and freedoms.

(c) ACTIONS BY CHIEFS OF MISSION.—Each chief of mission in each nondemocratic country or democratic transition country should—

(1) develop, as part of annual program planning, a strategy to promote democratic principles, practices, and values in each such foreign country and to provide support, as appropriate, to nongovernmental organizations, individuals, and movements in each such country that are committed to democratic principles, practices, and values, such as by—

(A) consulting and coordinating with and providing support to such nongovernmental organizations, individuals, and movements regarding the promotion of democracy;

(B) issuing public condemnations of violations of internationally recognized human rights, including violations of religious freedom, and visiting local landmarks and other local sites associated with nonviolent protest in support of democracy and freedom from oppression; and

(C) holding periodic meetings with such nongovernmental organizations, individuals, and movements to discuss democracy and political, social, and economic freedoms;

(2) hold ongoing discussions with the leaders of each such nondemocratic country or democratic transition country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms and respect for human rights, including freedom of religion or belief, in such country; and

(3) conduct meetings with civil society, interviews with media that can directly reach citizens of each such country, and discussions with students and young people of each such country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms in each such country.

(d) RECRUITMENT.—The Secretary should seek to increase the proportion of members of the Foreign Service who serve in the Bureau of Democracy, Human Rights, and Labor.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 2112. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary shall establish a Democracy Fellowship Program to enable officers of the Department to gain an additional perspective on democracy promotion in foreign countries by working on democracy issues in appropriate congressional offices or congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and international or nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices, congressional committees, international organizations, and nongovernmental organizations.

SEC. 2113. INVESTIGATIONS OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

(a) IN GENERAL.—The President, with the assistance of the Secretary, the Under Secretary of State for Democracy and Global Affairs, and the Ambassador-at-Large for War Crimes Issues, shall collect information regarding incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law.

(b) ACCOUNTABILITY.—The President shall consider what actions can be taken to ensure that any government of a country or the leaders or senior officials of such government who are responsible for crimes against humanity, genocide, slavery, or other violations of international humanitarian law identified under subsection (a) are brought to account for such crimes in an appropriately constituted tribunal.

Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy

SEC. 2121. STRATEGIES, PRIORITIES, AND ANNUAL REPORT.

(a) EXPANSION OF COUNTRY-SPECIFIC STRATEGIES TO PROMOTE DEMOCRACY.—

(1) COMMENDATION.—Congress commends the Secretary for the ongoing work by the Department to develop country-specific strategies for promoting democracy.

(2) EXPANSION.—The Secretary shall expand the development of such strategies to all nondemocratic countries and democratic transition countries.

(3) BRIEFINGS.—The Secretary shall keep the appropriate congressional committees fully and currently informed as such strategies are developed.

(b) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the first sentence, by inserting ''entitled the Annual Report on Advancing Freedom and Democracy'' before the period at the end.

(c) ENHANCED REPORT.—The Annual Report on Advancing Freedom and Democracy shall include, as appropriate—

(1) United States priorities for the promotion of democracy and the protection of human rights for each nondemocratic country and democratic transition country, developed in consultation with relevant parties in such countries; and

(2) specific actions and activities of chiefs of missions and other United States officials to promote democracy and protect human rights in each such country.

(d) SCHEDULE OF SUBMISSION.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the second sentence, by striking ''30 days'' and inserting ''90 days''.

SEC. 2122. TRANSLATION OF HUMAN RIGHTS REPORTS.

(a) IN GENERAL.—The Secretary shall continue to expand the timely translation of the applicable parts of the Country Reports on Human Rights Practices required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Annual Report on International Religious Freedom required under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), the Trafficking in Persons Report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), and any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) into the principal languages of as many countries as possible, with particular emphasis on nondemocratic countries, democratic transition countries, and countries in which extrajudicial killings, torture, or other serious violations of human rights have occurred.

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2008, and annually thereafter through 2010, the Secretary shall submit to the appropriate congressional committees a report describing any translations of the reports specified in subsection (a) for the preceding year, including which of such reports have been translated into which principal languages and the countries in which such translations have been distributed by posting on a relevant website or elsewhere.

(2) FORM.—The report required under paragraph (1) may be included in any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 2131. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance, including reviewing and making recommendations on—

(1) how to improve the capacity of the Department to promote democracy and human rights; and

(2) how to improve foreign assistance programs related to the promotion of democracy.

SEC. 2132. SENSE OF CONGRESS REGARDING THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that in order to facilitate access by individuals, nongovernmental organizations, and movements in foreign countries to documents, streaming video and audio, and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy, the Secretary should take additional steps to enhance the Internet site for global democracy and human rights of the Department, which should include, where practicable, the following:

(1) Narratives and histories, published by the United States Government, of significant democratic movements in foreign countries, particularly regarding successful nonviolent campaigns to promote democracy in non-democratic countries and democratic transition countries.

(2) Narratives, published by the United States Government, relating to the importance of the establishment of and respect for internationally recognized human rights, democratic principles,

practices, and values, and other fundamental freedoms.

(3) Major human rights reports by the United States Government, including translations of such materials, as appropriate.

(4) Any other documents, references, or links to appropriate external Internet websites (such as websites of international or nongovernmental organizations), including references or links to training materials, narratives, and histories regarding successful democratic movements.

Subtitle D—Training in Democracy and Human Rights; Incentives

SEC. 2141. TRAINING IN DEMOCRACY PROMOTION AND THE PROTECTION OF HUMAN RIGHTS.

(a) IN GENERAL.—The Secretary shall continue to enhance training for members of the Foreign Service and civil service responsible for the promotion of democracy and the protection of human rights. Such training shall include appropriate instruction and training materials regarding:

(1) International documents and United States policy regarding the promotion of democracy and respect for human rights.

(2) United States policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries and democratic transition countries.

(3) For any member, chief of mission, or deputy chief of mission who is to be assigned to a nondemocratic country or democratic transition country, ways to promote democracy in such country and to assist individuals, nongovernmental organizations, and movements in such country that support democratic principles, practices, and values.

(4) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, and the protection of individuals who have fled their countries due to violations of such rights.

(b) CONSULTATION.—The Secretary, acting through the Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department, shall consult, as appropriate, with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom with respect to the training required by this subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a description of the current and planned training provided to Foreign Service officers in human rights and democracy promotion, including such training provided to chiefs of mission serving or preparing to serve in nondemocratic countries or democratic transition countries.

SEC. 2142. SENSE OF CONGRESS REGARDING ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary should further strengthen the capacity of the Department to carry out results-based democracy promotion efforts through the establishment of an annual award to be known as the ''Outstanding Achievements in Advancing Democracy Award'', or the ''ADVANCE Democracy Award'', that would be awarded to officers or employees of the Department; and

(2) the Secretary should establish procedures for selecting recipients of such award, including any financial terms associated with such award.

SEC. 2143. PERSONNEL POLICIES AT THE DEPARTMENT OF STATE.

In addition to the awards and other incentives already implemented, the Secretary should increase incentives for members of the Foreign Service and other employees of the Department who take assignments relating to the promotion of democracy and the protection of human rights, including the following:

(1) Providing performance pay under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) to such members and employees who carry out their assignment in an outstanding manner.

(2) Considering such an assignment as a basis for promotion into the Senior Foreign Service.

(3) Providing Foreign Service Awards under section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) to such members and employees who provide distinguished or meritorious service in the promotion of democracy or the protection of human rights.

Subtitle E—Cooperation With Democratic Countries

SEC. 2151. COOPERATION WITH DEMOCRATIC COUNTRIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should cooperate with other democratic countries to—

(1) promote and protect democratic principles, practices, and values;

(2) promote and protect shared political, social, and economic freedoms, including the freedoms of association, of expression, of the press, of religion, and to own private property;

(3) promote and protect respect for the rule of law;

(4) develop, adopt, and pursue strategies to advance common interests in international organizations and multilateral institutions to which members of cooperating democratic countries belong; and

(5) provide political, economic, and other necessary support to countries that are undergoing a transition to democracy.

(b) COMMUNITY OF DEMOCRACIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Community of Democracies should develop a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with appropriate staff to carry out such work, and should establish a headquarters; and

(B) nondemocratic countries should not participate in any association or group of democratic countries aimed at working together to promote democracy.

(2) DETAIL OF PERSONNEL.—The Secretary is authorized to detail on a nonreimbursable basis any employee of the Department to any permanent secretariat of the Community of Democracies or to the government of any country that is a member of the Convening Group of the Community of Democracies.

(c) ESTABLISHMENT OF AN OFFICE FOR MULTILATERAL DEMOCRACY PROMOTION.—The Secretary should establish an office of multilateral democracy promotion with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(d) INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, the United States, other European countries with experiences in democratic transitions, and private individuals.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2008, 2009, and 2010 to the Secretary for a grant to the International Center for Democratic Transition. Amounts appropriated under this paragraph are authorized to remain available until expended.

Subtitle F—Funding for Promotion of Democracy

SEC. 2161. THE UNITED NATIONS DEMOCRACY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in foreign countries in their efforts to help consolidate democracy and bring about transformational change.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,000,000 for each of fiscal years 2008 and 2009 to the Secretary for a United States contribution to the United Nations Democracy Fund.

SEC. 2162. UNITED STATES DEMOCRACY ASSISTANCE PROGRAMS.

(a) SENSE OF CONGRESS REGARDING USE OF INSTRUMENTS OF DEMOCRACY PROMOTION.—It is the sense of Congress that—

(1) United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department; and

(2) the purpose of the Department's Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, practices, and values, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

(b) SENSE OF CONGRESS REGARDING MECHANISMS FOR DELIVERING ASSISTANCE.—

(1) FINDINGS.—Congress finds the following:

(A) Democracy assistance has many different forms, including assistance to promote the rule of law, build the capacity of civil society, political parties, and legislatures, improve the independence of the media and the judiciary, enhance independent auditing functions, and advance security sector reform.

(B) There is a need for greater clarity on the coordination and delivery mechanisms for United States democracy assistance.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary and the Administrator of the United States Agency for International Development should develop guidelines, in consultation with the appropriate congressional committees, building on the existing framework for grants, cooperative agreements, contracts, and other acquisition mechanisms to guide United States missions in foreign countries in coordinating United States democracy assistance and selecting the appropriate combination of such mechanisms for such assistance.

TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS

SEC. 2201. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) may take such administrative action as is necessary to establish and implement—

''(A) a grant program to assist public safety agencies in the planning and coordination associated with, the acquisition of, deployment of, or training for the use of interoperable communications equipment, software and systems that—

''(i) utilize reallocated public safety spectrum for radio communication;

''(ii) enable interoperability with communications systems that can utilize reallocated public safety spectrum for radio communication; or

''(iii) otherwise improve or advance the interoperability of public safety communications systems that utilize other public safety spectrum bands; and

''(B) are used to establish and implement a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster;

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which at least $75,000,000, in the aggregate, shall be used for purposes described in paragraph (1)(B); and

''(3) shall permit any funds allocated for use under paragraph (1)(B) to be used for purposes identified under paragraph (1)(A), if the public safety agency demonstrates that it has already implemented such a strategic technology reserve or demonstrates higher priority public safety communications needs.'';

(2) by redesignating subsections (b), (c), and (d) as subsections (h), (i), and (j), respectively, and inserting after subsection (a) the following:

''(b) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a)(1)(A), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including a detailed explanation of how assistance received under the program would be used to improve communications interoperability and ensure interoperability with other public safety agencies in an emergency or a major disaster.

''(c) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVES.—

''(1) IN GENERAL.—In evaluating permitted uses under subsection (a)(1)(B), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—Funds provided to meet uses described in paragraph (1) shall be used in support of reserves that—

''(A) are capable of re-establishing communications when existing critical infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite- enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) ALLOCATION OF FUNDS.—In evaluating permitted uses under section (a)(1)(B), the Assistant Secretary shall take into account barriers to immediate deployment, including time and distance, that may slow the rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems) in the event of an emergency in any State.

''(d) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security, shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

''(e) INSPECTOR GENERAL REPORT AND AUDITS.—

''(1) REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(2) AUDITS.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct financial audits of entities receiving grants from the program implemented under subsection (a)(1), and shall ensure that, over the course of 4 years, such audits cover recipients in a representative sample of not fewer than 25 States or territories. The results of any such audits shall be made publicly available via web site, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions.''; and

(3) by striking paragraph (3) of subsection (j), as so redesignated.

(b) FCC VULNERABILITY ASSESSMENT AND REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall conduct a vulnerability assessment of the Nation's critical communications and information systems infrastructure and shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced communications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall consult with the National Communications System and shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—

(A) IN GENERAL.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(B) CLASSIFIED INDEX.—The report on critical infrastructure under this subsection may contain a classified annex.

(C) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress or any other department or agency under this section by the Federal Communications Commission, including the assignment of a level of classification of such information, shall be binding on Congress and any other department or agency.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL AND PUBLIC HEALTH CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical and public health care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical and public health care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical and public health care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical and public health care facilities;

(C) assess options to improve integration of communications systems used by emergency medical and public health care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) AUTHORIZATION OF EMERGENCY MEDICAL AND PUBLIC HEALTH COMMUNICATIONS PILOT PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical and public health care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) MAXIMUM AMOUNT.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) COST SHARING.—The Assistant Secretary may not provide more than 20 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) MAXIMUM PERIOD OF GRANTS.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) DEPLOYMENT AND DISTRIBUTION.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 2202. CLARIFICATION OF CONGRESSIONAL INTENT.

The Federal departments and agencies (including independent agencies) identified under the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall carry out their respective duties and responsibilities in a manner that does not impede the implementation of requirements specified under this title and title III of this Act and title VI of Public Law 109–295. Notwithstanding the obligations under section 1806 of Public Law 109–295, the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall not preclude or obstruct any such department or agency from exercising its other authorities related to emergency communications matters.

SEC. 2203. CROSS BORDER INTEROPERABILITY REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Department of Homeland Security's Office of Emergency Communications, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the ''Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding'' (WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SEC. 2204. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the 6-month period beginning on the date of enactment of this Act.

SEC. 2205. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

In addition to the committees specifically enumerated to receive reports under this title, any report transmitted under the provisions of this title shall also be transmitted to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))).

TITLE XXIII—EMERGENCY COMMUNICATIONS MODERNIZATION

SEC. 2301. SHORT TITLE.

This title may be cited as the ''Improving Emergency Communications Act of 2007''.

SEC. 2302. FUNDING FOR PROGRAM.

Section 3011 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 47 U.S.C. 309 note) is amended—

(1) by striking ''The'' and inserting:

''(a) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of the 911 Modernization Act, such sums as necessary, but not to exceed $43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.''.

SEC. 2303. NTIA COORDINATION OF E–911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: ''Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to allow a portion of the funds to be used to give priority to grants that are requested by public safety answering points that were not capable of receiving 911 calls as of the date of enactment of that Act, for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants shall be subject to all other requirements of this section.''.

TITLE XXIV—MISCELLANEOUS PROVISIONS

SEC. 2401. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) REVIEW REQUIRED.—Title VII of the Homeland Security Act of 2002 is amended by adding at the end the following:

''SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

''(a) REQUIREMENT.—

''(1) QUADRENNIAL REVIEWS REQUIRED.—In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a 'quadrennial homeland security review').

''(2) SCOPE OF REVIEWS.—Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.

''(3) CONSULTATION.—The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

''(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, and the Director of National Intelligence;

''(B) key officials of the Department; and

''(C) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

''(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 874.

''(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—

''(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

''(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation;

''(3) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

''(4) identify the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

''(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2); and

''(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.

''(c) REPORTING.—

''(1) IN GENERAL.—Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

''(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

''(A) the results of the quadrennial homeland security review;

''(B) a description of the threats to the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

''(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

''(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

''(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

''(F) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

''(G) a discussion of the status of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats to national homeland security;

''(H) an explanation of any underlying assumptions used in conducting the review; and

''(I) any other matter the Secretary considers appropriate.

''(3) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(b) PREPARATION FOR QUADRENNIAL HOMELAND SECURITY REVIEW.—

(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002, as added by subsection (a), in fiscal year 2009, including—

(A) determining the tasks to be performed;

(B) estimating the human, financial, and other resources required to perform each task;

(C) establishing the schedule for the execution of all project tasks;

(D) ensuring that these resources will be available as needed; and

(E) all other preparations considered necessary by the Secretary.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.

(c) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

''Sec. 707. Quadrennial Homeland Security Review.''.

SEC. 2402. SENSE OF THE CONGRESS REGARDING THE PREVENTION OF RADICALIZATION LEADING TO IDEOLOGICALLY-BASED VIOLENCE.

(a) FINDINGS.—Congress finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists that plans, prepares for, and engages in acts of ideologically-based violence worldwide.

(2) The threat of radicalization that leads to ideologically-based violence transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism caused by ideologically-based groups.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the fight against terrorism.

(5) United States law enforcement agencies have identified radicalization that leads to ideologically-based violence as an emerging threat and have in recent years identified cases of extremists operating inside the United States, known as ''homegrown'' extremists, with the intent to provide support for, or directly commit, terrorist attacks.

(6) Alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization that could lead to ideologically-based violence.

(7) Many other factors have been identified as contributing to the spread of radicalization and resulting acts of ideologically-based violence. Among these is the appeal of left-wing and right-wing hate groups, and other hate groups, including groups operating in prisons. Other such factors must be examined and countered as well in order to protect the homeland from violent extremists of every kind.

(8) Radicalization leading to ideologically-based violence cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization that leads to ideologically-based violence by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds, and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending religious, ethnic, and minority communities;

(4) addressing prisoner radicalization and post-sentence reintegration, in concert with the Attorney General and State and local corrections officials;

(5) pursuing broader avenues of dialogue with minority communities, including the American Muslim community, to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate such leaders about the threat of radicalization that leads to ideologically-based violence and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to minority communities, including the American Muslim community, and develop partnerships among and between all religious faiths and ethnic groups.

SEC. 2403. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 511(d) of this Act.

(3) Subsection (a)(3)(D) of section 2022 of the Homeland Security Act of 2002, as added by section 101 of this Act.

(4) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(5) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(6) Section 804(c) of this Act.

(7) Section 901(b) of this Act.

(8) Section 1002(a) of this Act.

(9) Title III of this Act.

SEC. 2404. DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into one or more agreements with a private sector entity to conduct such demonstrations of security management systems.

(b) SECURITY MANAGEMENT SYSTEM DEFINED.—In this section, the term 'security management system' means a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

SEC. 2405. UNDER SECRETARY FOR MANAGEMENT OF DEPARTMENT OF HOMELAND SECURITY.

(a) RESPONSIBILITIES.—Section 701(a) of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) by inserting ''The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(2) by striking paragraph (7) and inserting the following:

''(7) Strategic management planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(3) by striking paragraph (9), and inserting the following:

''(9) The management integration and transformation process, as well as the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including—

''(A) the development of a management integration strategy for the Department, and

''(B) before December 1 of any year in which a Presidential election is held, the development of a transition and succession plan, to be made available to the incoming Secretary and Under Secretary for Management, to guide the transition of management functions to a new Administration.''.

(b) APPOINTMENT AND EVALUATION.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by subsection (a), is further amended by adding at the end the following:

''(c) APPOINTMENT AND EVALUATION.—The Under Secretary for Management shall—

''(1) be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(3) be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Under Secretary for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (2).''.

(c) DEADLINE FOR APPOINTMENT; INCUMBENT.—

(1) DEADLINE FOR APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsections (a) and (b), to serve as the Under Secretary of Homeland Security for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary of Homeland Security for Management on the date of enactment of this Act together with a statement that informs the Congress that the individual meets the qualifications of such section as so amended.

(2) INCUMBENT.—The incumbent serving as Under Secretary of Homeland Security for Management on November 4, 2008, is authorized to continue serving in that position until a successor is confirmed, to ensure continuity in the management functions of the Department.

(d) SENSE OF CONGRESS WITH RESPECT TO SERVICE OF INCUMBENTS.—It is the sense of the Congress that the person serving as Under Secretary of Homeland Security for Management on the date on which a Presidential election is held should be encouraged by the newly-elected President to remain in office in a new Administration until such time as a successor is confirmed by Congress.

(e) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Under Secretary of Homeland Security for Management.''.

And the Senate agree to the same.

BENNIE G. THOMPSON,
LORETTA SANCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
Managers on the Part of the House,

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

JOINT EXPLANATORY STATEMENT

TITLE I—HOMELAND SECURITY GRANTS

Section 101. Homeland Security Grant Program

Section 101 of the Conference Report amends the Homeland Security Act to add a new Title XX, comprised of two subtitles and including the following sections:

Subtitle A—Grants to States and High-Risk Urban Areas

Section 2001. Definitions

Section 2001 of the House bill defines several terms that are used in the title relevant to homeland security grants, including ''Covered grant,'' ''Directly Eligible Tribe,'' ''Elevations in the Threat Alert Level,'' ''First Responder,'' ''Indian Tribe,'' ''Region,'' ''Terrorism Preparedness,'' and ''Capabilities.''

Section 2001 of the Senate bill is a comparable provision, which defines ''Administrator,'' ''Combined Statistical Area,'' ''Directly Eligible Tribe,'' ''Eligible Metropolitan Area,'' ''Indian Tribe,'' ''Metropolitan Statistical Area,'' ''National Special Security Event,'' ''Population,'' ''Population Density,'' ''Target Capabilities,'' and ''Tribal Government.''

The Conference substitute adopts the Senate provision, as modified. The provision defines the terms ''Administrator,'' ''Appropriate Committees of Congress,'' ''Critical Infrastructure Sectors,'' ''Directly Eligible Tribe,'' ''Eligible Metropolitan Area,'' ''High-Risk Urban Area,'' ''Indian Tribe,'' ''Metropolitan Statistical Area,'' ''National Special Security Event,'' ''Population,'' ''Population Density,'' ''Qualified Intelligence Analyst,'' ''Target Capabilities,'' and ''Tribal Government.''

Section 2002. Homeland Security Grant Programs

Section 2002 of the House bill sets forth the first responder grant programs at the Department that are covered by the provisions in the title. These programs are the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes the Assistance to Firefighters Grant programs, the Emergency Management Performance Grant program, and the Urban Search and Rescue program.

Section 2002 of the Senate bill authorizes the Secretary of Homeland Security (the Secretary), acting through the Administrator of the Federal Emergency Management Agency (FEMA), to award grants to State, local, and tribal governments. It clarifies that other grant programs, such as the Assistance to Firefighters Grant programs, the Metropolitan Medical Response System, critical infrastructure grant programs, including transportation security grants programs, the port security grant program, and grants administered by agencies other than the Department of Homeland Security (the Department or DHS), are not covered under the title.

The Conference substitute adopts the Senate provision, as modified. It specifically authorizes the Secretary, acting through the Administrator of FEMA (the Administrator), to make grants under the State Homeland Security Grant Program and the Urban Area Security Initiative. It specifically provides that none of the provisions in subtitle A affect, or may be construed to affect, programs authorized under the Federal Fire Prevention and Control Act; grants authorized under the Stafford Act; Emergency Management Performance Grants under the amendments made by Title II of the Implementing the Recommendations of the 9/11 Commission Act of 2007; grants to protect critical infrastructure, including port security grants authorized under 46 U.S.C. 70107 and grants authorized under titles XIV, XV, and XVI of the Implementing the Recommendations of the 9/11 Commission Act of 2007; Metropolitan Medical Response System grants authorized under section 635 of the Post-Katrina Emergency Management Reform Act; the Interoperable Emergency Communications Grant Program authorized under title XVIII of the Homeland Security Act; and grants not administered by the Department.

Section 1014 of the USA Patriot Act (42 U.S.C. 3714), which authorized grants to States to ''enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts,'' has, up until now, served as the authority for grant programs such as the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 1014 further provided that each State receive a minimum of 0.75 percent of such authorized grants. The Conference substitute clarifies that the grants authorized under sections 2003 and 2004 of the Homeland Security Act are to supersede all grant programs authorized by section 1014 of the USA PATRIOT Act and that such grants shall be governed by the terms of this title and not any other provision of law, including with respect to the minimum guaranteed to each State under section 2004 and the fact that, where there is such a minimum, it is to be allocated as a ''true minimum,'' in the manner explained below.

The Conferees remain concerned about the implementation of the provisions in the Post-Katrina Emergency Management Reform Act (PL 109–295), which placed the authority to conduct training and exercises and administer grants within FEMA, thus restoring the nexus between emergency preparedness and response. The Conferees continue to believe that the Administrator, in

consultation with other relevant Departmental components with issue-area expertise, should have responsibility for administering all grant programs administered by the Department, which will ensure the coordination among those programs and consistency in the guidance issued to grant recipients.

Section 2003. Urban Area Security Initiative

Section 2003 of the House bill provides that areas determined by the Secretary to be high-threat urban areas may apply for Urban Area Security Initiative grants.

Section 2003 of the Senate bill specifically establishes the Urban Area Security Initiative grant program, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. It allows eligible metropolitan areas, defined primarily as self-defined areas within the 100 largest metropolitan statistical areas, to apply for the grants. This section requires that the grants be allocated based on the threat, vulnerability, and consequences of a terrorist attack, as well as the effectiveness of each urban area's proposed spending plan in increasing the area's preparedness for terrorism and reducing risk. The section further describes the allowable uses of the grant funding by urban areas.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute provides for a two-stage process for designating high-risk urban areas eligible to apply for Urban Area Security Initiative grants. First, the Department is to conduct an initial assessment of the risks, threats, and vulnerabilities from acts of terrorism faced by eligible metropolitan areas, defined as the 100 most populous metropolitan statistical areas in the United States. During this initial assessment, these areas may submit relevant information to the Department for consideration. Second, once this initial assessment process is complete, the Department will designate which jurisdictions may apply for Urban Area Security Initiative grants based solely on the assessment of risk from acts of terrorism.

Section 2004. State Homeland Security Grant Program

Section 2003 of the House bill provides that States, regions, and directly eligible tribes shall be eligible to apply for grant funds under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 2004 of the House Bill sets forth minimum amounts each State shall receive (0.25 percent), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45 percent). Under the House bill territories and directly eligible tribes would receive not less than 0.08 percent of the funds.

Section 2004 of the Senate bill establishes the State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism. The section requires that the grants be allocated to States based on the threat, vulnerability, and consequences of terrorism faced by a State, and lists factors to be considered in determining a State's risk. The section further provides that, in allocating funds, no State shall receive less than 0.45 percent of the overall appropriation for this program and that each State distribute a minimum of 80 percent of funding received under this program to local and tribal governments within that State, consistent with the State's homeland security plan. Territories would receive not less than 0.08 percent of the funds. The section also describes the allowable uses for grant funding provided to States under this section.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires that each State receive, from the funds appropriated for the State Homeland Security Grant Program, not less than 0.375 percent of the total funds appropriated for grants under sections 2003 and 2004 in Fiscal Year 2008. This minimum decreases to 0.35 percent over five years. Each territory is to receive not less than 0.08 percent of the funds and tribes are to receive, collectively, not less than 0.1 percent of the funds.

In all cases, the minimum is a ''true minimum,'' in which funding allocations are initially determined entirely on the basis of terrorism risk and the anticipated effectiveness of the proposed use of the grant. Any recipient that does not reach the minimum based on this risk allocation will receive additional funding from the amount appropriated for the State Homeland Security Grant Program to ensure the respective minimum is met. This distribution method is consistent with the Department's practice for FY 2007 for the formula grants in the Homeland Security Grant Program, and maximizes the share of funds distributed on the basis of risk. The Urban Area Security Initiative will continue to be allocated exclusively on the basis of the risk from acts of terrorism and the anticipated effectiveness of the proposed use of the grant.

Section 2005. Grants to directly eligible tribes

Section 2003 of the House bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program, requires the designation of a specific individual to serve as the tribal liaison for each tribe, and allows an opportunity for each State to comment to the Secretary on the consistency of a tribe's application with the State's homeland security plan.

Section 2004 of the Senate bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program.

The Conference substitute adopts the House provision, as modified. The Conference substitute further clarifies that, regardless of whether a tribe receives funds directly from the Department, the tribe remains eligible to receive a pass-through of section 2004 funds for other purposes from any State within which it is located, and that States retain a responsibility for allocating funds received under section 2004 to assist tribal communities, including tribes that are not directly eligible tribes, achieve target capabilities not achieved through direct grants.

Section 2006. Terrorism prevention

There is no comparable House provision.

Section 2005 of the Senate bill requires that the Department of Homeland Security designate a minimum of 25 percent of the funding to States and urban areas through the State Homeland Security Grant Program and Urban Area Security Initiative for law enforcement terrorism prevention activities. It provides a list of allowable uses for the funding. The section also establishes the Office for the Prevention of Terrorism within the Department to, among other things, coordinate policy and operations between Federal, State, local, and tribal governments related to the prevention of terrorism.

The Conference substitute adopts the Senate provision, as modified.

The Conferees note the importance of law enforcement terrorism prevention activities and requires the Administrator to ensure that not less than 25 percent of the combined funds from the State Homeland Security Grant Program and Urban Area Security Initiative are dedicated to these vital activities. This will ensure that law enforcement terrorism prevention activities are appropriately coordinated with other State and high-risk urban area efforts to prevent, prepare for, protect against, and respond to acts of terrorism using grant funds.

The Conference substitute also includes a provision creating an Assistant Secretary in the DHS Policy Directorate to head an Office for State and Local Law Enforcement. This new Assistant Secretary will lead the coordination of Department-wide policies relating to State and local law enforcement's role in preventing acts of terrorism and will also serve as a liaison between law enforcement agencies across the country and the Department. The Conferees believe this office gives the State and local law enforcement community a much needed voice and high-level point of contact in the Department and integrates prevention and other law enforcement activities across the Department, while avoiding the creation of further stovepipes.

The Conference substitute creates the Assistant Secretary in the Department's Policy Directorate because of that Directorate's central role in coordinating policies across the Department. By such placement, however, the Conferees do not intend to preclude the Secretary from seeking advice directly from the Assistant Secretary, or from having the Assistant Secretary report directly to the Secretary, if the Secretary determines that arrangement would be most helpful and/or most beneficial to the Department.

In addition, the Conference substitute includes language in this section to reflect the general purpose of the Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program in House Sections 701 and 702. Many local and tribal law enforcement and other emergency response providers that would like to participate in State, local, or regional fusion centers lack the resources—in terms of funding and staff—to do so. These providers are not usually in the headlines; instead, they typically serve under represented suburban and rural jurisdictions where terrorists may live, work, and plan attacks—even if they themselves are not likely targets of those attacks.

The Conferees believe that such agencies and departments, based on an appropriate showing of risk, should qualify for grant funding so they can send representatives to State, local, or regional fusion centers. Such funding should be available for (1) backfilling positions for law enforcement officers, intelligence analysts, and other emergency response staff detailed to fusion centers; and (2) appropriate training in the intelligence cycle, privacy and civil liberties, and other relevant matters, as determined by the Secretary.

The Conference substitute also provides for the Assistant Secretary for State and Local Law Enforcement and the Administrator to jointly conduct a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters, and to report on the results of that study to the appropriate Committees of Congress. By requiring the study, the Conferees do not intend to authorize the creation, use or deployment of such teams, but instead intends that the Assistant Secretary and the Administrator report to Congress on the results of the study and, in the event they determine that such deployment teams are feasible and likely to be effective, that they seek further Congressional authorization before implementing any such program. The Conferees further intend that any such deployment

teams, if implemented, would, like other specialized response teams, such as Urban Search and Rescue Teams, be subject to the direction of the Administrator and coordinated with the other activities of FEMA.

Section 2007. Prioritization

Section 2004 of the House bill requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure from acts of terrorism.

There is no comparable Senate provision. Instead the Senate bill individually lists the factors that the Administrator shall consider when allocating grants under sections 2003 and 2004.

The Conference substitute adopts the House provision, as modified. The Conference substitute requires that in allocating funds among States and high-risk urban areas the Administrator consider for each State and high-risk urban area, its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of several enumerated factors; and the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area. While the Conference substitute does not specify the particular weight to be given to any of the listed criteria, it nonetheless requires that each of the characteristics listed in subparagraphs 2007(a)(1)(A) through (J) be considered as part of the assessment of threat, vulnerability, and consequences from acts of terrorism faced by the State or high-risk urban area. The Conference substitute also provides that the Administrator may consider additional factors beyond those listed, as specified in writing, in assessing a State or high-risk urban area's risk.

Section 2008. Use of funds

Section 2005 of the House bill lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass funds through to local governments within 45 days of receipt of grant funds.

There is no comparable Senate provision. Instead, the Senate bill authorizes eligible uses of funds for each grant program individually and provides for limitations on the use of grant funds under Section 2007 of the Senate bill.

The Conference substitute adopts the House provision, with modifications. The Conference substitute authorizes grant funds under sections 2003 and 2004 to be used for a number of uses including planning, training, exercises, protecting critical infrastructure, purchasing equipment, and paying personnel costs associated with both straight time and overtime and backfill, in addition to any allowable use in the FY2007 grant guidance for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program. The Conference substitute authorizes grant recipients to use up to 50 percent of their grant funds for overtime and straight personnel costs because prevention and protection activities are personnel intensive. Nonetheless, the needs of communities vary considerably, and the Conferees anticipate that many, if not most, recipients will not need to devote the maximum allowable funding to personnel costs. The Conferees encourage grant recipients to also emphasize planning, training, and exercising in their spending plans.

It is important to note that the Conferees are concerned about audits and news reports illustrating some inappropriate uses of grant funds since the programs' inception. The Conferees, therefore, emphasize language in the Conference substitute that prohibits grant recipients from using their funding for social and recreational purposes.

Finally, the Conferees note the provision permitting grant recipients to use their funding for multiple purposes. To be clear, the Conferees do not intend for grant recipients to use their funding solely to prepare for natural disasters. The programs authorized in this title are for counter-terrorism purposes. Nevertheless, the Conferees recognize that many of the planning, training, exercising, and equipment needs of jurisdictions are similar, if not identical, for natural disasters, acts of terrorism, and other man-made disasters, and that, although some preparations for terrorist threats require unique plans and capabilities, many will be part of overall all-hazards preparedness. Therefore, although the use of grant funds under these programs must further a jurisdiction's counter-terrorism activities and programs, the Conferees expect and encourage such jurisdictions to engage in activities, such as evacuation exercises, that will contribute to preparedness for both terrorist and non-terrorist events and not to hesitate to use, for example, equipment purchased for counter-terrorism purposes to respond to a non-terrorist incident.

Subtitle B—Grants Administration

Section 2021. Administration and coordination

There is no comparable House provision.

Section 2007 of the Senate bill requires the Administrator to ensure that the recipients of grants administered by the Department coordinate their activities regionally, including across State boundaries where appropriate, and that State and urban recipients establish a planning committee including relevant stakeholders to assist in the preparation and revision of area homeland security plans. This section also requires that the Department coordinate with other relevant Federal agencies to develop a proposal to coordinate the reporting and other requirements for homeland security assistance programs across the Federal government to avoid duplication and undue burdens on State, local, and tribal governments.

The Conference substitute adopts the Senate provision, as modified.

The Conference substitute includes a provision requiring States and high-risk urban areas receiving grants under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a planning committee if they have not already done so. The Conferees are aware that many multi-jurisdictional councils of governments, regional planning commissions and organizations, development districts, and consortiums have responsibility for implementing emergency response plans and coordinating cross-jurisdictional response capabilities, and urges the Department to support the continued use of such entities.

Because natural disasters, acts of terrorism and other man-made disasters do not respect political boundaries, and because such events have the potential to overwhelm the capabilities of a single jurisdiction, the Conferees believe that it is important that there be regional coordination in preparing for these events, and the Conference substitute requires that the Administrator ensure that grant recipients appropriately coordinate with neighboring State, local and tribal governments. The Conference does not intend, however, that this provide a license to the Administrator to impose burdensome requirements on local subgrantees or other small communities, and encourages the Administrator to ensure regional coordination primarily by working with States, high-risk urban areas, and other direct recipients of grants.

Section 2022. Accountability

Section 2005 of the House bill requires recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Law Enforcement Terrorism Prevention Program to submit an annual report to the Secretary concerning the use and allocation of those grant funds, and provides incentives for submission of quarterly reports. It also requires that the Secretary submit an annual report to Congress concerning the use of funds by grant recipients and describing progress made in enhancing capabilities as a result of the expenditure of grant funds.

Section 2008 of the Senate bill requires the Administrator to submit annual reports to Congress evaluating the extent to which grants have contributed to the progress of State, local, and tribal governments in achieving target capabilities and providing an explanation of the Department's risk methodology. In addition, Section 2009 of the Senate bill requires the Inspector General of the Department (the Inspector General) to audit all recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Emergency Management Performance Grant program. The audits are to be conducted within two years of enactment of the bill or receipt of such a grant, and be made publicly available on the website of the Inspector General. The Inspector General is also required to audit each entity that received a preparedness grant from the Department prior to enactment of this legislation.

The Conference substitute adopts the Senate provision, as modified. Among other things, the Conference substitute requires that at least every two years, the Administrator conduct a programmatic and financial review of each State and high-risk urban area receiving a grant administered by the Department to examine whether grant funds are being used properly and effectively. It requires further that the Inspector General follow up these agency reviews by conducting independent audits of a sample of States and high-risk urban areas each year. The Inspector General is to conduct an audit of all States at least once over the next seven years, report to Congress on any findings, and post the results of the audits on the Internet, taking steps to protect classified and other sensitive information. The Conference substitute authorizes additional funding to help ensure that the Administrator and the Office of the Inspector General are able to carry out these oversight and auditing functions. In addition, the Conference substitute requires the submission of quarterly and annual reports by grant recipients.

While the Conference acknowledges the importance of transparency and therefore requires the public online posting of audits in this section, the Conference substitute exempts any audit information from being released publicly that contains ''sensitive'' information. The Conference emphasizes that the sensitive information referred to in this provision is information that, while it may not be classified, would be detrimental to national security if made public, such as information designated as Sensitive Security Information. The Conference emphasizes therefore that the term ''sensitive information,'' and the associated exemption from public disclosure, does not apply to information

which a grantee or the Department may simply find embarrassing, questionable, unlawful, or otherwise suggestive of poor management or judgment. That an audit contains sensitive information should not be cause to withhold the entire audit from public release, but rather the Conference expects that such information would merely be redacted from posted audits.

Section 102. Other Amendments to the Homeland Security Act of 2002

Section 2004(a)(1) of the House bill includes a provision requiring the Secretary to coordinate with the National Advisory Council and other components of the Department when evaluating and prioritizing grant applications.

Section 2007 of the Senate bill requires that the Administrator regularly consult and work with the National Advisory Council, an advisory panel of State, local, tribal, private and nonprofit officials established under Section 508 of the Homeland Security Act, on the administration and assessment of the Department's grant programs, in order to ensure regular and continuing input from State, local and tribal governments and emergency response providers and better integration of these parties into the grants process.

The Conference substitute adopts the Senate provision, as modified.

Section 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006

Section 2005(h)(5)(E) of the House bill requires that each recipient of a covered grant include in its annual report to the Secretary, information on the extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

Section 2008(a)(1) of the Senate bill requires that, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act, the Administrator report to Congress on the extent to which grants administered by the Department have contributed to State, local and tribal governments achieving target capabilities and have led to the reduction of risk.

The Conference substitute adopts the Senate provision, as modified. Section 103 of the substitute amends section 652 of the Post-Katrina Emergency Management Reform Act to require that the Administrator conduct an evaluation of the efficacy of Department grants in helping States, localities, and tribes achieve target capabilities and in reducing risk and to require States to report on the extent to which their target capabilities remain unmet and assess the resources needed to meet preparedness priorities.

Section 104. Technical and conforming amendments

Section 104 makes technical and conforming amendments to the Homeland Security Act of 2002, consistent with those made in section 204 of the Senate bill and paragraphs (a)(1)–(4) of Section 101 of the House bill.

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

There is no comparable House provision.

Title IV of the Senate bill reauthorizes the Emergency Management Performance Grants (EMPG) Program. In the Senate bill, the program provides grants to States to assist State, local and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards. The section codifies the existing allocation formula for EMPG grants in which each State receives 0.75 percent of the total appropriation for this program, with the remainder of the appropriated funding distributed to States in proportion to their population. The Senate bill also specifies allowable uses for EMPG grants, and continues the existing cost-sharing requirement, whereby the Federal share of an activity's cost may not exceed 50 percent.

The Conference substitute adopts the Senate provision, with modifications. Section 201 of this title directs the Administrator to continue implementation of an Emergency Management Performance Grants program, the nation's principal grant program to assist State, local, and tribal governments in preparing for all hazards. The Conference substitute continues this program, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and authorizes appropriations for the program through FY 2012. Section 202 of this title amends section 614 of the Stafford Act, concerning the Federal share for construction of Emergency Operations Centers (EOCs). Section 202 allows the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing State or local EOCs. While equipping, upgrading, and constructing EOCs are eligible activities under the EMPG program, these also remain eligible activities under other provisions of Title VI of the Stafford Act, and section 202 applies the maximum 75 percent Federal cost share to the EMPG program and to any other program authorized under Title VI of the Stafford Act that provides grants for construction of EOCs.

TITLE III—INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS

Section 301. Interoperable Emergency Communications Grant Program

Section 201 of the House bill amends Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security (the Department or DHS). This provision directs the Secretary of Homeland Security (the Secretary), acting through the Office of Grants and Training, in coordination with the Director of Emergency Communications, to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among State, regional, national, and, in some instances, international border communities. The provision provides that the ICER grant program would be established the first fiscal year after the Department met the following requirements: the completion of and delivery to Congress of the National Emergency Communications Plan; the completion of the baseline interoperability assessment, and the determination by the Secretary that substantial progress has been made with regard to emergency communications equipment and technology standards. Further, the provision states that the ICER grants may be used for planning, design and engineering, training and exercises, technical assistance, and other emergency communications activities deemed integral to emergency interoperable communications by the Secretary.

Section 301 of the Senate bill amends Title XVIII of the Homeland Security Act of 2002 by creating a grant program administered by the Federal Emergency Management Agency (FEMA) dedicated to improving operable and interoperable emergency communications at local, regional, State, Federal and, where appropriate, international levels. In applying for the grants, States would have to demonstrate that the grants would be used in a manner consistent with their Statewide interoperability plans and the National Emergency Communications Plan. The States would be required to pass at least 80 percent of the total amount of the grants they receive, or the functional equivalent, to local and tribal governments. Section 301 requires that each State receive not less than 0.75 percent of the total funds appropriated for the grant program in any given year. Further, Section 301 authorizes $3.3 billion for the grant program for the first five years: $400 million in Fiscal Year 2008; $500 million in Fiscal Year 2009; $600 million in Fiscal Year 2010; $800 million in Fiscal Year 2011; and $1 billion in Fiscal Year 2012.

The Conference substitute adopts the Senate provision by amending Title XVIII of the Homeland Security Act to require that the Secretary establish the Interoperable Communications Grant Program to make the grants to States. The Conference Report clarifies the Senate's all-hazards approach for the use of the grants by stating that the grants should be used to carry out initiatives to improve ''interoperable emergency communications, including the collective response to natural disasters, acts of terrorism, and other man-made disasters.''

The Conference substitute clarifies that the Office of Emergency Communications is responsible for ensuring that the grants awarded under this section are consistent with the policies established by the Office of Emergency Communications in accord with its statutory authority and that the activities funded by the grants must be consistent with the Statewide interoperable communications plans and comply with the National Emergency Communication Plan, when completed. The Conference substitute further makes clear that FEMA will administer the grant program pursuant to its responsibilities and authorities under law. It is the intent of the Conferees that FEMA administer the grant program in a manner that is consistent with the policies established by the Office of Emergency Communications. FEMA shall provide applicants a reasonable opportunity to correct defects in the application, if any, before making final awards.

The Conference substitute modifies the House and Senate provisions to clarify that the grants administered under this section shall be used for activities determined by the Secretary of the Department to be integral to interoperable communications. Because of a concern about the potential for fraud, waste, and abuse, the Conferees expect the Department to institute aggressive oversight and accountability measures to ensure that grantees under this section use the funds in a manner that advances the standards outlined in the SAFECOM interoperability continuum, including but not limited to governance, standard operating procedures, technology, training and exercises, and usage. Moreover, the Conference substitute states that recipients of grant funds under this program are prohibited from using grants for recreational or social purposes. Nor may grantees use these funds to supplant State or local funds, or to meet cost-sharing contributions. The Conference substitute gives the Secretary clear authority to take ''such actions as necessary'' to ensure that the grant funds are being used for their intended purpose.

Grants awarded pursuant to the Interoperable Emergency Communications Grant Program may be used for operable communications—the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters—if the Director of Emergency Communications reports to the Secretary of the Department of Homeland Security that a national baseline level of interoperability has been achieved, or if the Director of Emergency Communications finds that an applicant's specific request for grant funds for operability is critical and necessary to achieve interoperability.

The Conference substitute requires that before a State may receive a grant under

this section, the Director of the Office of Emergency Communications shall approve the State's statewide interoperable communications plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. §194(f)). The Conferees intend it to be the responsibility of the Director of Emergency Communications to ensure that the State-wide interoperability plans are designed to advance interoperability at all levels of government, consider applicable local and regional plans, and comply with the National Emergency Communications Plan, when complete. The Conference substitute provides that each State that receives a grant under this section shall certify that the grant is used for the intended purposes of the grant program.

The Conferees agreed to remove the Senate provision related to a review board to assist in reviewing the grant applications since the Department has entrusted that responsibility to peer review groups made of emergency communication experts.

The Conference substitute reflects the agreed-upon authorization of $1.6 billion for the grant program under this section which shall be allocated over five fiscal years beginning in Fiscal Year 2008, after the completion of the National Emergency Communications Plan and its submission to Congress. The Conference substitute authorizes such sums as necessary for each fiscal year following the initial five year period. The Conferees agree that to ensure that grants are spent on effective measures to improve interoperability, the Secretary may not award a grant under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, to the extent that such standards exist, unless the State demonstrates a compelling reason. The Conference substitute adopts the Senate provision, with modifications, that States receiving a grant under this section shall pass through 80 percent of the grant funds, or the functional equivalent, to local and tribal governments. The Conference substitute prohibits States from imposing unreasonable or unduly burdensome requirements on tribal governments as a condition of providing grant funds or resources.

The Conference substitute outlines the funding formula for the distribution of grant dollars to ensure that each State receives a minimum of funds for each fiscal year as follows: 0.50 percent for Fiscal Year 2008; 0.50 percent for Fiscal Year 2009; 0.45 percent for Fiscal Year 2010; 0.40 percent for Fiscal Year 2011; and 0.35 percent for Fiscal Year 2012 and each subsequent fiscal year. The territories of the United States are to receive no less than 0.08 percent of the total amount appropriated for grants under this title for each fiscal year.

The Conference substitute modifies the Senate's provision regarding the annual reporting requirement of States that receive grants. Reports to the Office of Emergency Communications shall be made publicly available, subject to redactions necessary to protect classified or other sensitive information. The Conference substitute requires that the Office of Emergency Communications submit to Congress an annual report detailing how the grants under this section facilitate the implementation of the Statewide interoperability plans and advance interoperability at all levels of government.

Section 302. Border interoperability demonstration project

There is no comparable House provision.

Section 302 of the Senate bill establishes an international border demonstration project involving at least six pilot projects aimed at improving interoperability along the U.S.-Canada and U.S.-Mexico borders.

The Conference substitute adopts the Senate provision, with modifications. The Senate provision establishes in the Department the International Border Community Interoperable Communications Demonstration Project. The Conference has agreed that the demonstration project will be carried out by the Office of Emergency Communications at the Department in coordination with the Federal Communications Commission and the Department of Commerce. The Conference directs that the demonstration project may only proceed after the Federal Communications Commission and the Department of Commerce have agreed upon the availability of the necessary spectrum resulting from the 800 megahertz rebanding process in the affected border areas.

The Conference substitute directs the Office of Emergency Communications to foster local and tribal, State and Federal interoperable communications in those communities selected for demonstration projects. The Office of Emergency Communications is also directed to identify solutions to facilitate interoperable communications across the national borders, provide technical assistance, and ensure the emergency responders can communicate in the event of natural disasters, acts of terrorism, and other man-made disasters. The Conference agrees that the Director of the Office of Emergency Communications shall receive a report from each State receiving funds under this section within 90 days of receiving the funds. The Conference substitute specifies that the Director may not fund a demonstration project for more than three years.

TITLE IV—INCIDENT COMMAND SYSTEM

Section 401. Definitions

There is no comparable House provision.

Section 1002 of the Senate bill includes several definitions relevant to credentialing and typing.

The Conference substitute adopts the Senate provision with minor modifications.

Section 402. National exercise program design

Section 301 of the House bill strengthens the design of the national exercise program to require the program to enhance the use and understanding of the Incident Command System (ICS).

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 403. National exercise program model exercises

Section 302 of the House bill strengthens the national exercise program to enhance the use and understanding of ICS by requiring that the national exercise program include model exercises for use by State, local and tribal governments.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with minor modifications.

Section 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.

Section 1001 of the Senate bill and section 303 of the House bill both contain language making it a responsibility of the Federal Emergency Management Agency (FEMA) regional directors to work with State and local governments to pre-identify sites where multi-jurisdictional incident command can be established. Additionally, section 1001 of the Senate bill creates a responsibility for FEMA regional directors to coordinate with the private sector to ensure private sector preparedness.

The Conference substitute adopts these provisions.

Section 405. Federal response capability inventory

There is no comparable House provision.

Section 1002 of the Senate bill establishes a database of all Federal personnel and resources credentialed and typed that are likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

The Conference substitute adopts the Senate provision with modifications integrating it into the Federal Response Capability Inventory established by the Post-Katrina Emergency Management Reform Act of 2006.

Section 406. Reporting requirements

There is no comparable House provision.

Section 1002 of the Senate bill requires an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the number and qualifications of Federal personnel trained and ready to respond to a natural disaster, act of terrorism or other man-made disaster. This section also requires the Administrator to evaluate whether the list of credentialed FEMA personnel complies with the strategic human capital plan established by the Post-Katrina Emergency Management Reform Act of 2006.

The Conference substitute adopts the Senate provision with modifications which integrate the provisions into the reporting requirements of the Post-Katrina Emergency Management Reform Act of 2006.

Section 407. Federal preparedness

There is no comparable House provision.

A critical component of any incident command system is the use of common terminology for disaster response resources to ensure the correct resources are deployed to and used in an incident. Credentialing and typing involves using a common naming system to classify the capabilities or attributes of personnel and equipment, and is a fundamental part of the ICS. In order to fully implement ICS, section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters.

The Conference substitute adopts the Senate provision with modifications, amending the Post-Katrina Emergency Management Act to clarify that the typing and credentialing provisions will be used to enhance our national preparedness system. The Conference agrees that the typing and credentialing provisions are an essential part of enhancing our national preparedness system and that once completed, such data must be regularly updated so that an inventory of available resources is available to the Administrator of FEMA to aid in preparing for and responding to disasters.

Section 408. Credentialing and typing

There is no comparable House provision.

Section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters. Once the standards have been developed, the language requires DHS and other Federal agencies with responsibilities under the National Response Plan to type, credential, and inventory personnel and resources likely to be used in disaster response, to allow FEMA to be able to effectively coordinate the deployment and use of Federal resources in disaster response. The Senate bill also directs FEMA to distribute standards to Federal agencies with responsibilities under the National Response Plan, and State and local governments.

The Conference substitute adopts the Senate provisions with some modifications, requiring Federal agencies to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and

resources likely needed to respond to a disaster. The Conference substitute also requires the Administrator of FEMA to distribute standards and detailed written guidance to Federal, State, local, and tribal governments that may be used by such governments to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and other resources likely needed to respond to disasters.

Section 409. Model standards and guidelines for critical infrastructure workers

There is no comparable House provision.

Section 1002 of the Senate bill requires FEMA, working with Federal, State, local, and tribal governments, and the private-sector to establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to disasters.

The Conference substitute adopts the Senate language with minor modifications. The Conference notes that responsibility and authority for access of critical infrastructure workers to disaster sites generally resides with State and local governments, except in limited circumstances, and that this section does not alter those responsibilities and authorities.

Section 410. Authorization of appropriations

There is no comparable House provision.

Section 1002 of the Senate bill authorizes the appropriation of such sums as necessary to carry out the section.

The Conference substitute adopts the Senate language with minor modifications.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Section 501. Homeland security information sharing

Section 723 of the House bill includes several provisions to improve homeland security information sharing. Among other things, it directs the Secretary of Homeland Security (the Secretary), acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture for the Department of Homeland Security's (the Department or DHS) Office of Intelligence and Analysis; requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of that architecture; and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with modifications. It deletes the reference to an implementation plan for the comprehensive information technology network architecture and instead includes new text to reflect the purpose of that architecture: to connect the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing within the Department. The Conference substitute likewise deletes references to the Markle Foundation. The Conference nevertheless concurs that the architecture in question should, to the extent possible, incorporate the approaches, features, and functions of the information sharing network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

The Conference substitute also directs the Secretary to designate ''Information Sharing and Knowledge Management Officers'' within each intelligence component to coordinate information sharing efforts and assist the Secretary with the development of feedback mechanisms to State, local, tribal, and private sector entities. The Conference concurs that the Department's outreach to State, local, and tribal intelligence and law enforcement officials has been haphazard and often accompanied by less than timely results. While it can point to many successful examples of coordination and collaboration with State, local, tribal, and private sector officials, the Office of Intelligence and Analysis must increase its involvement with them and appropriately incorporate their non-Federal information into the Department's intelligence products. In addition, it is essential that the Department provide feedback to these non-Federal partners—both to encourage their contributions going forward and to provide helpful guidance for future contributions. The information sharing and knowledge management officers under this section should play a key role in helping to address these gaps.

Section 502. Intelligence component defined

Section 723 of the House bill defines ''intelligence component of the Department'' as ''any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information'' except: (1) ''a directorate, agency, or element of the Department that is required to be maintained as a distinct entity'' under the Homeland Security Act of 2002 (6 U.S.C. 101); and (2) ''any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.''

Although Section 111 of the Senate bill includes a similar definition for ''intelligence component of the Department,'' it does not include either of the two exceptions enumerated by the House provision.

The Conference substitute adopts the House provision, with modifications. In order to capture all of the intelligence information being gathered, received, analyzed, produced, or disseminated that might qualify an element or entity of the Department as an ''intelligence component,'' the Conference has chosen to refer to that universe of information as ''intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence * * *'' This phrase appears numerous times throughout the Conference substitute.

The Conference is aware that the Conference substitute defines ''terrorism information'' to include ''weapons of mass destruction information'' in section 504 of the Conference substitute. The Conference, nevertheless, has included both terms when describing ''intelligence information within the scope of the information sharing environment'' for illustrative purposes. This phrase should not be interpreted to give the term ''weapons of mass destruction information'' any meaning other than the definition for it provided in section 504 of the Conference substitute.

The Conference substitute establishes the position of Under Secretary for Intelligence and Analysis to replace the Assistant Secretary for Information Analysis, commonly known as the Department's Chief Intelligence Officer. The Under Secretary shall also serve as the Department's Chief Intelligence Officer. Through the Secretary, the Under Secretary shall be given new responsibilities, in addition to those of the Assistant Secretary for Information Analysis, in order to drive a common intelligence mission at the Department that involves the full participation of the Department's intelligence components.

The Conference substitute carves out the United States Secret Service from the definition of ''intelligence component of the Department'' entirely. Subsection (b) nevertheless would require that the Secret Service share all homeland security information, terrorism information, weapons of mass destruction information, national intelligence, or suspect information obtained in criminal investigations with the Under Secretary for Intelligence and Analysis. In addition, the United States Secret Service will cooperate with the Under Secretary concerning information sharing and information technology activities outlined in sections 204 and 205 of the Homeland Security Act of 2002. The Conference also expects that the Secret Service will provide training and guidance to its employees, officials, and senior executives in a manner that is comparable to the training provided to intelligence component personnel under section 208 of the Homeland Security Act of 2002.

The Conference intends that the United States Secret Service should participate to the fullest extent in the integration and management of the intelligence enterprise of the Department. Given unique operational equities of the United States Secret Service, however, the Conference does not believe that it is appropriate to specifically identify the United States Secret Service as an ''intelligence component'' of the Department. The provision also clarifies that nothing in this Act interferes with the position of the United States Secret Service as a ''distinct entity'' within the Department.

Subsection (b) carves out the Coast Guard from the definition of ''intelligence component of the Department'' when it is engaged in certain activities or acting under or pursuant to particular authorities. The Conference concurs that nothing in this section shall provide the Under Secretary for Intelligence and Analysis with operational or other tasking authority over the Coast Guard. The Conference nevertheless believes that the Coast Guard should collaborate and participate in the intelligence enterprise of the Department of Homeland Security.

Section 503. Role of intelligence components, training, and information sharing

Section 742 of the House bill delineates several key responsibilities for the head of each intelligence component of the Department regarding support for, and coordination and cooperation with, the Under Secretary for Intelligence and Analysis in the areas of acquisition, analysis, and dissemination of homeland security information; performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation; recruitment and selection of intelligence officials of intelligence components detailed to the Office of Intelligence and Analysis; reorganization and restructuring of intelligence components; and program and policy compliance.

Section 114 of the Senate bill, in turn, establishes information sharing incentives for employees and officers across the Federal Government by providing the President and agency heads with the discretion to consider, when making cash awards for outstanding performance, an employee's or officer's success in sharing information within the scope of the information sharing environment (ISE) described in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485). It also requires agency and department heads to adopt best

practices to educate and motivate employees and officers to participate fully in that environment—through, among other things, promotions, other nonmonetary awards, and recognition for a job well done.

The Conference substitute combines the House and Senate provisions, with modifications.

The Conference concurs that creating these additional responsibilities for the heads of the intelligence components will institute a clearer relationship between the Under Secretary for Intelligence and Analysis and the intelligence components of the Department. Successful implementation of this section should result in a strengthened departmental intelligence capability allowing information and intelligence to be seamlessly fused into intelligence products that are truly National. It would integrate information obtained at America's land and maritime borders; from State and local governments; and including intelligence on ports, mass transit facilities, chemical plants, and other critical infrastructure. While the Department has taken many solid steps in this direction since the completion of the Second Stage Review in July 2005, the Conference believes that the Secretary must redouble efforts to better integrate the intelligence components of the Department internally.

The Conference notes that one of the greatest challenges to establishing the ISE is conveying its importance to employees and officers across the Federal Government who are being asked to do something new and—in many cases—foreign to them. Incentives will motivate many such employees and officers to educate themselves about the guidelines, instructions, policies, procedures, and standards that are applicable to the ISE and how their particular agency or department is incorporating them into its culture. The Conference observes, however, that nothing in this section should be construed to prohibit an agency or department head, in consultation with the program manager of the ISE under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) (''ISE Program Manager''), from prescribing appropriate penalties for failing to participate fully in the ISE.

Section 504. Information sharing

There is no comparable House provision.

Section 112 of the Senate bill amends section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 by broadening the definition of ''terrorism information'' to include both homeland security information and weapons of mass destruction information and by defining ''weapons of mass destruction information.'' Senate Section 112 likewise eliminates the temporary terms of both the ISE Program Manager and the Information Sharing Council, set to expire in April 2007, and makes them permanent. Additionally, it enhances the ISE Program Manager's government-wide authority not only by clarifying the Program Manager's existing authority over the information sharing activities of Federal agencies but also by establishing new authorities to (1) issue government-wide information sharing standards; (2) identify and resolve information sharing disputes; and (3) identify to the Director of National Intelligence appropriate personnel from agencies represented on the Information Sharing Council for detail assignments to the Program Manager to support staffing needs. Senate Section 112 also authorizes up to 40 FTEs and $30,000,000 in each of the next two fiscal years to support the Program Manager. Finally, it requires the government to report on the feasibility of eliminating Originator Control markings, adopting an authorized use standard for information sharing, and using anonymized data to promote information sharing.

The Conference substitute adopts the Senate provision, with modifications. Among other things, it excludes ''homeland security information'', as defined in Section 892(f) of the Homeland Security Act of 2002, from the definition of ''terrorism information''. The specialized missions of the Department create for it a unique role within the larger Intelligence Community that requires, among other things, specific information for preventing, interdicting, and disrupting terrorist activity and securing the homeland in the aftermath of a terrorist attack. Accordingly, the Conferees concur that ''homeland security information'' is sufficiently distinct from the more broadly defined ''terrorism information'' to merit keeping the definitions separate.

Section 511. Department of Homeland Security State, Local, and Regional Fusion Center initiative

Section 732 of the House bill directs the Secretary to establish a DHS State, Local, and Regional Fusion Center Initiative to coordinate the Department's intelligence efforts with State, local, and regional fusion centers; assist fusion centers with carrying out their homeland security duties; facilitate information sharing efforts between fusion centers and the Department; encourage nationwide and integrated information sharing among fusion centers themselves; and incorporate robust privacy and civil liberties safeguards and training into fusion center operations.

Section 121 of the Senate bill contains comparable language.

The Conference concurs that the DHS State, Local, and Regional Fusion Center Initiative is key to Federal information sharing efforts and must succeed in order for the Department to remain relevant in the blossoming State and local intelligence community. State, local, and regional fusion centers are being successfully established across the country by State and local law enforcement and intelligence agencies. The Conference agrees that the Department's Office of Intelligence and Analysis, which has a primary responsibility for sharing information with State, local, and regional officials, needs to play a stronger, more constructive role in assisting these centers and are pleased to see that the Department has begun doing so. However, the Department must act quickly, thoroughly, and cooperatively in order to provide the maximum amount of support for these centers.

The Conference applauds the State, local, and regional efforts to make fusion centers a reality and the dedication of those who staff those centers. The Conference notes, however, that although fusion centers are led, operated, and otherwise run by States and localities, there is a need for a common baseline of operations at fusion centers in order to attain not only their full potential but also the full potential of the various initiatives undertaken in the Conference agreement. The Conference expects that the grant process established in the Conference substitute, the qualifying criteria for fusion centers wishing to participate in the DHS State, Local, and Regional Fusion Center Initiative, and the guidelines for fusion centers included in the Conference substitute will all help create a common baseline of operations for fusion centers that will ensure their success into the future.

The Conference substitute adopts Section 121 of the Senate bill, with modifications, to reflect the key functionalities and priorities of the Border Intelligence Fusion Center Program established in Section 712 of the House bill. That Program was designed to provide the Department with a more robust ''border intelligence'' capability—a capability essential to improving the Department's ability to interdict terrorists, weapons of mass destruction, and related contraband at America's land and maritime borders. The Conference concurs that the Department can make better use of its resources, and obtain better situational awareness of terrorist threats at or involving those borders, by partnering more effectively with State, local, and tribal law enforcement officers in relevant jurisdictions. With better information sharing, those officers can act as ''force multipliers'' that may very well help prevent the next terrorist attack from abroad.

The Conference believes that by deploying officers and intelligence analysts from United States Customs and Border Protection (CBP), United States Immigration and Customs Enforcement (ICE), and the Coast Guard to fusion centers participating in the Program, the Department can increase its capacity to create accurate, actionable, and timely border intelligence products aimed at this threat. In order to maximize their effectiveness, CBP, ICE, and Coast Guard officers and analysts creating border intelligence products should not only include the input of police and sheriffs' officers as part of their process, but also should ensure that those products actually respond to the needs of officers in the field as expressed by those officers. The Conference accordingly believes that the Department personnel assigned to fusion centers under this section should communicate with State, local, and tribal law enforcement officers not only at fusion centers but also in their actual communities where they are headquartered.

While the Conference believes that the Department's effort at State, local, and regional fusion centers is a critical one that should be encouraged, they note that it is not the only such effort. The Federal Bureau of Investigation (FBI), for example, has had long-standing relationships with State, local, and tribal law enforcement and other emergency response providers through Joint Terrorism Task Forces (JTTFs) across the country and has established Field Intelligence Groups (FIGs) that are, in many case, colocated with the fusion centers. Those relationships have continued through the JTTFs, FIGs, and an established and growing FBI presence at many fusion centers. Nothing in this section should be construed to subordinate the role of the FBI to the Department's own efforts with the JTTFs and at fusion centers. On the contrary, it is the Conferees hope that the Department, the FBI, and other Federal agencies will coordinate as equal players at State, local, and regional fusion centers in order to form a united Federal partnership with their State and local counterparts on the front lines of the nation's homeland security efforts.

Further, the Conference recognizes that the Coast Guard is establishing Interagency Operations Command Centers (IOCC's) pursuant to the SAFE Port Act and authorized under Section 70107A of title 46, United States Code. IOCC's are being developed as model Federal centers to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism in the maritime domain. Nothing in this section should be construed to subordinate the role of the Coast Guard's efforts with the IOCC's.

Finally, the Conference recognizes, consistent with the Fusion Center Guidelines produced jointly by the Department of Justice and DHS, the important role of the public safety component in the fusion process.

Emergency response providers are able to provide valuable information to the overall intelligence picture; likewise, the fusion process may provide advance information that enables essential preparation measures to enable a more effective response. Therefore, while the Conference stresses that State and local governments must ultimately determine the mission, composition, operating procedures, and communication channels of fusion centers and the fusion process, they emphasize the inherent value in including emergency response providers within the governance structure making these determinations. Nothing in this section is intended to mandate that representatives of the emergency response provider community should be physically located in all fusion centers or that their mission should shift emphasis from the missions of the intelligence and law enforcement communities. Rather, the Conference intends that fusion center governing boards and the fusion process should be structured so as to enable the consideration of nontraditional information from emergency response providers in a collaborative environment.

Section 512. Homeland Security Information Sharing Fellows Program

Section 733 of the House bill directs the Secretary, through the Under Secretary for Intelligence and Analysis, to establish a fellowship program for State, local, and tribal officials to rotate into the Office of Intelligence and Analysis in order to identify for Department intelligence analysts the kinds of homeland security information that are of interest to State, local, and tribal law enforcement and other emergency response providers; assist Department intelligence analysts in writing intelligence reports in a shareable format that provides end users with accurate, actionable, and timely information without disclosing sensitive sources and methods; serve as a point of contact for State, local, and tribal law enforcement officers and other emergency response providers in the field who want to share information with the Department; and assist in the dissemination of homeland security information to appropriate end users.

Section 122 of the Senate bill contains nearly identical language.

The Conference substitute adopts the Senate's provision, as modified. The Conference concurs that implementation of this section will help break down the cultural barriers to information sharing by teaming State, local, and tribal homeland security and law enforcement officers with the Department intelligence analysts tasked with creating intelligence products for them. The Conference notes that this section will complement the DHS State, Local, and Regional Fusion Center Initiative by providing State, local, and tribal officials with better insight and input into the Department's information sharing operations and allowing them to play a greater role in the Department's information sharing effort.

Section 513. Rural Policing Institute

There is no comparable House provision.

Section 123 of the Senate bill creates a ''Rural Policing Institute'' that is to be administered by the Federal Law Enforcement Training Center. The Institute would provide training for local and tribal law enforcement officers located in rural areas—defined as those areas not located within metropolitan statistical areas, as defined by the Office of Management and Budget—and would be tailored to law enforcement requirements that are unique to those areas. Section 123 would require the inclusion of several law enforcement topics in the curriculum, including methamphetamine addiction and distribution, domestic violence, and law enforcement response to school shootings. It likewise requires an assessment of these and other requirements and the development of a curriculum to address those requirements. Section 123 authorizes $10 million for Fiscal Year 2008 for the administration of the program and $5 million for each of Fiscal Years 2009 through 2013.

The Conference substitute adopts the Senate provision, with modifications. It broadens the Institute's focus to encompass not only law enforcement agencies but also other emergency response providers located in rural areas. Moreover, it deletes the references to training related to specific criminal offenses, and replaces them with training programs with a greater focus on homeland security in the areas of intelligence-led policing and protections for privacy, civil right, and civil liberties.

Section 521. Interagency Threat Assessment and Coordination Group

There is no comparable House provision.

Section 131 of the Senate bill directs the Information Sharing Environment (ISE) Program Manager to oversee and coordinate the creation of an Interagency Threat Assessment and Coordination Group (ITACG) that has as its primary mission the production of Federally coordinated products derived from information within the scope of the ISE for distribution to State, local, and tribal government officials and the private sector. Section 131 of the Senate bill locates the ITACG at the National Counterterrorism Center (NCTC) and directs the Secretary to assign a senior level officer to manage and direct the administration of the ITACG; to determine how specific products should be distributed to end users; and to establish standards for the admission of law enforcement and intelligence officials from State, local, or tribal governments into the ITACG. Section 131 of the Senate bill further prescribes the membership of the ITACG—including State, local, and tribal law enforcement and intelligence officials—and directs the ISE Program Manager to establish criteria for the selection of those officials and for the proper handling and safeguarding of information related to terrorism.

The Conference substitute adopts the Senate provision, with modifications. The Conference notes that the ITACG has roots in, among other places, the ISE Implementation Plan (the Plan) prepared by the ISE Program Manager in November 2006 to ensure the timely and effective production, integration, vetting, sanitization, and communication of terrorism information to the Federal Government's State, local, and tribal partners. The Plan explained that a ''primary purpose of the ITACG will be to ensure that classified and unclassified intelligence produced by Federal organizations within the intelligence, law enforcement, and homeland security communities is fused, validated, deconflicted, and approved for dissemination in a concise and, where possible, unclassified format'' to State, local, and tribal officials. The ISE Program Manager envisioned having the ITACG based at the NCTC and managed on a day-to-day basis by a senior Department official. The ISE Program Manager likewise envisioned that the Department and the Department of Justice would share the decision-making authority regarding how to disseminate various types of information to State, local, and tribal officials and the private sector.

The Conference substitute bifurcates the ITACG into two distinct entities. The first entity, an ITACG Advisory Council chaired by the Secretary or the Secretary's designee, shall set policy and develop processes for the integration, analysis, and dissemination of Federally-coordinated information within the scope of the ISE, including homeland security information, terrorism information, and weapons of mass destruction information. The second entity, an ITACG Detail created by the Secretary and managed by a senior Department intelligence official, shall be comprised of State, local, and tribal homeland security and law enforcement officers detailed to work in the NCTC with NCTC and other Federal intelligence analysts. Participants in the ITACG Detail shall integrate, analyze, and assist the dissemination of the aforementioned information to appropriate State, local, tribal, and private sector end users.

The Conference strongly believes that the ITACG presents the Department with a unique opportunity to realize its mission as the primary source of accurate, actionable, and timely homeland security information for its State, local, tribal and private sector partners that Congress had originally envisioned in the Homeland Security Act of 2002 (6 U.S.C. 101). The Department should seize the moment. The ITACG will provide the Department and the wider Intelligence Community with an unmatched ability to identify information that is of interest and utility to those partners; produce reports which can be disseminated to them in an unclassified format or at the lowest possible classification level; and assist in the targeted dissemination of particular intelligence products to appropriate end users. By building upon the Department's customer service approach to information sharing, Department leadership of the ITACG will help the Department and other Federal agencies co-located at the NCTC to leverage their existing ties with their State, local, tribal, and private sector counterparts and ultimately invigorate the two-way flow of information with them that the 9/11 Commission identified as critical to making the homeland more secure.

While the Secretary will play the primary role in establishing and maintaining the ITACG Detail and shall detail a senior intelligence official from the Department to manage its day-to-day activities, the Department is reminded that it is a guest in the NCTC. As direct reports to the Director of the NCTC, the senior intelligence official from the Department and the ITACG detailees themselves must comply with all policies, procedures, and rules applicable to other staff working in the NCTC—including any mandatory polygraph examination for NCTC staff. Neither the ITACG Advisory Council nor the ITACG Detail are in any way intended to impede, replicate, or supplant the analytic and/or production efforts of the NCTC, nor are they intended to duplicate, impede, or otherwise interfere with existing and established counterterrorism roles and responsibilities.

With regard to the preparation, review, and dissemination of products from the ITACG Detail, it is the Conference's intent that those products be subject to the same policies, procedures, and rules applicable to NCTC products. Pursuant to 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), it is the Conference's further intent that the Director should act as a gatekeeper when providing products prepared by the ITACG Detail to the Department, the Department of Justice, and other appropriate agencies for dissemination to State, local, tribal, and private sector end users. Nothing in this section should be construed to mean that the Director may distribute products prepared by the ITACG Detail directly to those end users.

Finally, the Conference agrees that the privacy and civil liberties impact assessment required under this section shall specifically address how the ITACG will incorporate the Guidelines to Implement Information Privacy Rights and other Legal Protections in

the Development and Use of the Information Sharing Environment released by the President on November 22, 2006 (Presidential Guidelines) to protect privacy rights and civil liberties.

Section 531. Office of Intelligence and Analysis and Office of Infrastructure Protection

The Homeland Security Act of 2002 (6 U.S.C. 101) created an Under Secretary for Information Analysis, assisted by an Assistant Secretary for Information and Analysis and an Assistant Secretary for Infrastructure Protection, and specified the Under Secretary's primary responsibilities. These include: (1) receiving and analyzing law enforcement information, intelligence, and other lawfully obtained information in order to understand the nature and scope of the terrorist threat to the United States homeland; (2) integrating relevant information to produce and disseminate infrastructure vulnerabilities assessments; (3) analyzing that information to identify and prioritize the types of protective measures to be taken; (4) making recommendations for information sharing and developing a national plan that would outline recommendations to improve the security of key resources; (5) administering the Homeland Security Advisory System; (6) exercising primary responsibility for public threat advisory and providing specific warning information to State and local governments and the private sector, as well as advice about appropriate protective actions and countermeasures; (7) making recommendations for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to homeland security within the Federal government and between the Federal government and State and local governments.

Following the completion of the Department's Second Stage Review in July of 2005, the Secretary renamed the Office of Information Analysis the ''Office of Intelligence and Analysis'' and gave it responsibilities in addition to those outlined in the Homeland Security Act. In addition to its statutory duties, one of the major responsibilities for the new Office of Intelligence and Analysis is to serve as the Chief Intelligence Office of the Department—taking responsibility for leading the intelligence components of the Department.

Sections 741 and 743 of the House bill reflect these changes by statutorily reorganizing the Directorate for Information Analysis and Infrastructure Protection by doing away with the Directorate and the Under Secretary for Information Analysis and Infrastructure Protection position and officially establishing in its place a separate Office of Intelligence and Analysis, elevating the Assistant Secretary for Information and Analysis to an Under Secretary for Intelligence and Analysis as its head; and a separate Office of Infrastructure Protection, headed by the Assistant Secretary for Infrastructure Protection. Sections 741 and 743 of the House bill likewise divide the responsibilities of the former Under Secretary for Information Analysis and Infrastructure Protection outlined in Section 201(d) of the Homeland Security Act between the new Under Secretary for Intelligence and Analysis and new Assistant Secretary for Infrastructure Protection. Section 741 in the House bill also adds several new responsibilities for the Under Secretary for Intelligence and Analysis.

There is no comparable Senate provision.

The Conference substitute adopts the House provisions, with substantial modifications. While the Conference agrees with the Department's consolidation of the duties of the Office of Intelligence and Analysis, they also believe that the powers of the Department's Chief Intelligence Officer can only be effectively wielded by an Under Secretary. Therefore, this section amends the Homeland Security Act of 2002 (6 U.S.C. 101) to restructure the Department to reflect the changes wrought by the Second Stage Review by elevating the Assistant Secretary for Information Analysis to Under Secretary for Intelligence and Analysis and by officially establishing an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

The Conference substitute retains those authorities from Section 201(d) of the Homeland Security Act in the Secretary for delegation to the appropriate officials. Those authorities include a new authority in the Conference agreement, to be carried out most likely by the Under Secretary for Intelligence and Analysis: the provision of guidance to the heads of intelligence components on developing budgets, and the presentation of recommendations for a consolidated intelligence budget to the Secretary.

Finally, the Conference substitute establishes an additional Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Section 601. Availability to public of certain intelligence funding information

There is no comparable House provision.

Section 1201 of the Senate bill requires the President to disclose to the public the aggregate amount of funds requested for the National Intelligence Program for each fiscal year. It also would require Congress to disclose to the public the aggregate amount authorized to be appropriated and the aggregate amount appropriated for the National Intelligence Program. The 9/11 Commission recommended in 2004 that the aggregate amount of funding for national intelligence be declassified, and in 2004 the Senate-passed version of the Intelligence Reform and Terrorism Prevention Act included a similar provision.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute requires the Director of National Intelligence to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program, beginning with Fiscal Year 2007. Beginning with Fiscal Year 2009, it allows the President to waive or postpone this disclosure by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee of the House of Representatives an unclassified statement that the disclosure would damage national security, and a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

Section 602. Public Interest Declassification Board

There is no comparable House provision.

Section 1203 of the Senate bill authorizes the Public Interest Declassification Board, upon receiving a Congressional request, to conduct a review and make recommendations regardless of whether the review is requested by the President. It further provides that any recommendations submitted by the Board to the President shall also be submitted to the Chairman and Ranking Minority Member of the requesting Committee and extends the authorization of the Board for four years until the end of 2012.

As described in its report on activities in the 109th Congress (S. Rep. No. 110–57, at p. 26), in September 2006, the Senate Select Committee on Intelligence released two reports on prewar intelligence regarding Iraq. In the introduction to one, the Committee expressed disagreement with the Intelligence Community's decision to classify portions of the report. Members of the Committee wrote to the then recently constituted Public Interest Declassification Board to request that it review the material and make recommendations about its classification. The Board responded that it might not be able to do so without White House authorization. In December 2006, the Board wrote to Congress to request that the statute establishing the Board be clarified to enable it to begin, without White House approval, a declassification review requested by Congress.

The Conference substitute adopts the Senate provision with minor technical and conforming changes to the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) to substitute the ''Director of National Intelligence'' for the ''Director of Central Intelligence.''

Section 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform

There is no comparable House provision.

Section 1204 of the Senate bill makes findings related to the 9/11 Commission's recommendation on Congressional oversight of intelligence. It expresses the Sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and Congressional intelligence oversight reform, review and consider other suggestions, options, or recommendations for improving intelligence oversight, and not later than December 21, 2007, submit to the Senate a joint report or individual reports that include the recommendations of the Committees, if any, for carrying out such reforms.

The Conference substitute adopts the Senate provision.

Section 604. Availability of funds for the Public Interest Declassification Board

There is no comparable House provision.

Section 1205 of the Senate bill allows the National Archives and Records Administration to obligate monies to carry out the activities of the Public Interest Declassification Board from the Continuing Appropriations Resolution of 2007, as amended.

The Conference substitute adopts the Senate provision.

Section 605. Availability of the executive summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001

There is no comparable House provision.

Section 1206 of the Senate bill provides that not later than 30 days after the enactment of this Act, the CIA Director shall prepare and make available to the public a version of the Executive Summary of a report by the CIA Inspector General that is declassified to the maximum extent possible consistent with national security.

The underlying document is the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry Into Intelligence Community Activities Before and After September 11, 2001.

The CIA Director is to submit to Congress a classified annex that explains why any redacted material in the Executive Summary was withheld from the public. The Senate Select Committee on Intelligence includes a similar provision in its Intelligence Authorization Act for Fiscal Year 2008. The Committee's efforts to obtain this measure of

public accountability are detailed in its report on the Committee's activities in the 109th Congress, S. Rep. No. 110–57, at pp. 24–26 (2007).

The Conference substitute adopts the Senate provision.

TITLE VII—TERRORIST TRAVEL

Section 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information

Section 611 of the House bill requires the Department of Homeland Security (the Department or DHS), in conjunction with the Director of National Intelligence and the heads of other relevant Federal agencies, to submit a report to Congress outlining the actions the U.S. government has taken to collaborate with international partners to increase border security, enhance document security, and exchange information about terrorists.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 711. Modernization of the Visa Waiver Program

There is no comparable House provision.

Section 501 of the Senate bill enhances the security requirements in the Visa Waiver Program and provides for the program's limited expansion. This section authorizes the development and implementation of an electronic travel authorization system under which each Visa Waiver Program traveler would electronically provide information, in advance of travel, necessary to determine whether the individual is eligible to travel to the United States. The Section also requires the Secretary of Homeland Security (the Secretary) to establish an exit system that records the departure of every alien who entered under the Visa Waiver Program and departed the United States by air. In addition to existing program requirements, all Visa Waiver Program countries are required to enter into agreements with the United States to report information about the theft or loss of passports, accept repatriation of its citizens, and share information about whether a national of that country traveling to the United States represents a threat to U.S. security.

Section 501 permits the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, for admission into the Visa Waiver Program. Alternatively, the Secretary can waive the existing 3 percent nonimmigrant visa refusal rate if a country's nationals do not exceed a rate, set by the Secretary, of overstaying their authorized admission in the United States. This waiver authority is only granted to countries meeting additional security criteria, including cooperating in counterterrorism initiatives, and only when the Secretary determines that security or law enforcement interests of the United States will not be compromised. Before exercising a waiver, the Secretary must also certify to Congress that an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit by air.

The Conference adopts the Senate provision, with modifications.

The Conference recognizes that the Visa Waiver Program, which Congress established in 1986, has benefitted commerce and tourism between the United States and participating Visa Waiver Program countries. The Conference believes that a modernization of the program is long overdue and that a careful and controlled expansion to countries who have not quite met existing program entrance requirements but who have been partners with the U.S. in fighting terrorism is appropriate in order to promote greater international security cooperation. In the wake of the terrorist attacks of September 11, 2001 and subsequent foiled terror plots, the imperative for reform is greater than ever.

The Conference agrees on the need for significant security enhancements to the entire Visa Waiver Program as set forth in the Senate bill and to the implementation of the electronic travel authorization system prior to permitting the Secretary to admit new countries under his new waiver authority. The Conference mandates that the Secretary develop such an electronic travel authorization system to collect biographical and such other information from each prospective Visa Waiver Program traveler necessary to determine whether the alien is eligible to travel under the program and whether a law enforcement or security risk exists in permitting the alien to travel to the United States. The Conference believes the Secretary should check the information collected in the electronic travel authorization system against all appropriate databases, including lost and stolen passport databases such as that maintained by Interpol. The Conference believes that checking travelers from Visa Waiver Program countries against all appropriate watch lists and databases will greatly enhance the overall security of the Visa Waiver Program.

In addition, the Conference agrees to permit the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, and to allow the Secretary to establish an overstay rate in lieu of the 3 percent nonimmigrant visa refusal rate for admission into the Visa Waiver Program. The Conference believes this overstay rate should reflect a reasonable expectation that the country can continue to participate in the VWP under existing statutory criteria.

The Conference further agrees to provide the Secretary this waiver authority upon certification by the Secretary to Congress that there is an air exit system in place to verify the departure of not less than 97 percent of foreign nationals who exit by air, which may or may not be fully biometric. The Conference also agrees that the ultimate goal is to achieve a fully biometric air exit system, as described in subsection (I) of the bill. Therefore, if such a biometric system is not implemented by June 30, 2009, the Secretary's waiver authority that was based upon his certification of 97 percent accuracy of any non-biometric exit system shall be suspended until a biometric exit system is fully operational. Establishment of this biometric system will implement a 9/11 Commission recommendation and will enhance our border security and immigration enforcement by ensuring our ability to track the arrivals and departures of foreign nationals.

Section 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center

Section 601 of the House bill directs the Secretary, acting through the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement (ICE), to: provide administrative support and funding to the Human Smuggling and Trafficking Center (the Center); ensure the Center is staffed with not fewer than 30 full-time equivalent personnel; and seek reimbursement from the Attorney General and the Secretary of State for costs associated with the participation of their respective departments in the operation of the Center. The section also directs the Office of Intelligence and Analysis (renamed under section 741), in coordination with the Center, to submit to law enforcement and relevant agencies periodic reports regarding terrorist threats related to such smuggling, trafficking, and travel.

Section 502 of the Senate bill is a comparable section but amends Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) to direct the Secretary to nominate a U.S. government official to serve as the Director of the Human Smuggling and Trafficking Center, in accordance with the Center's Memorandum of Understanding entitled ''Human Smuggling and Trafficking Center Charter.'' This section also clarifies the role of the Center as the focal point for interagency efforts to integrate and disseminate intelligence and information related to terrorist travel. The section requires that the Center be staffed with at least 40 full time employees and directs the Secretary to work with various DHS agencies and other Federal Departments to provide detailees with appropriate areas of expertise. The section also authorizes $20 million to allow the Center to carry out its existing responsibilities, fund the administrative costs and management of the Center, increase staffing levels and reimburse other Federal Departments for personnel.

The Conference substitute adopts the Senate provision, with modifications. The Conference agrees that the Center should be staffed with intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel, in addition to individuals with other expertise including consular affairs, counterterrorism, and criminal law enforcement from throughout the government.

The Conference also agrees that the Secretary and the heads of other relevant agencies should provide incentives for service at the Center, particularly for personnel who serve terms of at least two years. Staff detailed to the Center, except for those subject to the provisions of the Foreign Service Act of 1980, shall be considered for promotion at rates equivalent to or better than similarly situated personnel not so assigned.

The Conference agrees to adopt section 601(f) from the House provision, but delete the requirement that the Office of Intelligence and Analysis submit reports to ''Federal'' law enforcement agencies and ''other relevant agencies,'' as this would be a function performed by the Center. The Conference clarifies that subsection (d) in no way impedes the authority of the Secretary of State to participate in the selection of the Director of the Center, a role that is described in the Center's memorandum of understanding entitled ''Human Smuggling and Trafficking Center Charter,'' as amended as of October 1, 2006. That Memorandum of Understanding establishes that the Director will be confirmed by the Department, the Department of Justice, and the State Department. Finally, the Conferees agree to fund 40 full-time equivalent staff and to authorize $20 million for the Center for Fiscal Year 2008.

Section 722. Enhancements to the Terrorist Travel Program

There is no comparable House provision.

The Department never created the terrorist travel program mandated by section 7215 of Public Law 108–458. Section 503 of the Senate bill requires the Secretary to establish the program within 90 days of enactment and to report to Congress within 180 days on the implementation of the program. The section requires that the Assistant Secretary for Policy at the Department, or another official that reports directly to the Secretary,

be designated as head of the terrorist travel program and outlines specific duties to be carried out by the head of the program. Those duties include: developing strategies and policies for the Department to combat terrorist travel; reviewing the effectiveness of existing programs to combat terrorist travel across DHS; making budget recommendations that will improve DHS's ability to combat terrorist travel; and ensuring effective coordination among DHS agencies with missions related to intercepting and apprehending terrorists. This section also designates the head of the program as the point of contact for DHS with the National Counterterrorism Center and requires that the Secretary submit a report to Congress on the implementation of the section.

The Conference substitute adopts the Senate provision.

Section 723. Enhanced driver's license

There is no comparable House provision.

Section 504 of the Senate bill would require the Secretary to enter into a memorandum of agreement with at least one State to pilot the use of enhanced driver's licenses that would be valid for a U.S. citizen's admission into the United States from Canada and require a report to Congress on the pilot.

The Conference substitute adopts the Senate provision, as modified to permit a pilot of U.S. citizens entering the country from either Canada or Mexico.

Section 724. Western Hemisphere Travel Initiative

There is no comparable House provision.

Section 505 of the Senate bill would require the Secretary to complete a cost-benefit analysis of the Western Hemisphere Travel Initiative (WHTI) and a study of ways to reduce the fees associated with passport cards prior to publishing a final rule for WHTI.

The Conference substitute adopts the Senate provision, as modified to specify that the Secretary of State shall develop proposals for reducing passport card fees, including through mobile application teams who could accept applications for the passport card in communities particularly affected by WHTI. The Conference believes that the cost/benefit analysis should include the cost to the State Department and resources required to meet the increased volume of passports requests.

Section 725. Model ports-of-entry

There is no comparable House provision.

Section 506 of the Senate bill would require the Secretary to establish a model ports of entry program aimed at improving security and streamlining the current arrival process for incoming travelers at the 20 busiest international airports in the United States. It requires the Department to hire at least 200 additional Customs and Border Protection officers to address staff shortages at these airports, and it would also require measures that would ensure a more efficient international arrival process.

The Conference substitute adopts the Senate provision, as modified.

Section 731. Report regarding border security.

There is no comparable House provision.

Section 1604 of the Senate bill directs the Secretary to report to Congress regarding ongoing DHS initiatives to improve security along the U.S. northern border. The section also requires the Comptroller General to report to Congress with a review and comments on that report and recommendations regarding any necessary additional actions to protect that border.

The Conference substitute adopts the Senate provision, as modified.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

Section 801.Modification of Authorities Relating to privacy and civil liberties oversight board

Sections 802, 803, 804, 805, and 806(a) of the House bill amend Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by modifying the structure and operations of the Privacy and Civil Liberties Oversight Board (the Board). This section removes the Board from the Executive Office of the President and makes the Board an independent agency. It also requires each of the Board's five members to be confirmed by the U.S. Senate. The House language also provides the Board with subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The Board is required to submit not less than two reports each year to the appropriate Committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions.

Section 601 of the Senate bill is a comparable provision; however, it strengthens the Board's authority without removing it from the Executive Office of the President. Additionally, the Senate provision also grants subpoena power to the Board; however, it differs from the House provision in that the subpoena must be issued by the Attorney General who shall either issue the subpoena as requested or provide the Board with an explanation if the subpoena request is modified or denied. If the request is modified or denied, Congress shall be notified of this action within thirty days.

The Conference substitute adopts the House provision regarding the removal of the Board from the Executive Office of the President and adopts the Senate provision regarding the Board's subpoena power. All other comparable provisions were integrated.

Section 802. Department Privacy Officer

Section 812 of the House bill adopts the language contained in the Privacy Officer with Enhanced Rights Act of 2007, as introduced. In particular, this section expands the Department of Homeland Security's (the Department or DHS) Chief Privacy Officer's (CPO) access to any and all material available to the Department that fall under the CPO's purview. The CPO is also given authority to administer oaths and issue subpoenas to facilitate investigations and reporting requirements. The CPO's term of office would last for a period of 5 years and the individual appointed would be required to submit reports to Congress, without any prior comment by the Secretary, Deputy Secretary or any other officer of the Department, regarding the performance and responsibilities of the Privacy Office.

Section 603 of the Senate bill is a comparable provision, except that it does not include the 5-year term of office as mandated by the House provision, and it directs that the CPO's subpoena authority be exercised with the approval of the Secretary of Homeland Security (the Secretary).

The Conference substitute adopts the House language with changes, including the removal of the five year term of office and specifying that the subpoena authority be exercised through the Secretary. It also clarifies the relationship between the CPO and the Office of the Inspector General.

Section 803. Privacy and Civil Liberties Officers

Section 602 of the Senate bill establishes a network of Privacy and Civil Liberties officers in Executive Branch Agencies, in some cases strengthening the powers of existing officers. It provides that the Departments of Justice, Defense, State, Treasury, Health and Human Services, and Homeland Security, the Director of National Intelligence and the Central Intelligence Agency, and other agencies designated by the Privacy and Civil Liberties Oversight Board, are required to designate at least one senior official to serve as an internal privacy and civil liberties officer, to function as a source of advice and oversight on privacy and civil liberties matters to the agency. Departments and agencies may designate an existing privacy or civil liberties officer for this role, and the legislation specifies that where a Department or agency has a statutory privacy or civil liberties officer, that officer shall perform the relevant functions required by this section. These officers are directed to make regular reports to their respective department or agency heads, Congress, the Privacy and Civil Liberties Oversight Board, and the public.

Section 806(b) of the House bill is a comparable provision.

The Conference substitute adopts the Senate provision.

Section 804. Federal Agency Data Mining Reporting Act of 2007

There is no comparable House provision.

Section 604 of the Senate bill requires all Federal agencies to report to Congress within 180 days and every year thereafter on data mining programs developed or used to find a pattern or anomaly indicating terrorist or other criminal activity on the part of individuals, and how these programs implicate the civil liberties and privacy of all Americans. If necessary, specific information in the various reports could be classified.

The Conference substitute adopts the Senate language.

TITLE IX—PRIVATE SECTOR PREPAREDNESS

Section 901. Private Sector Preparedness.

Section 1101 of the House bill requires the Secretary of Homeland Security (the Secretary) to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters. The language also requires the Secretary to support the development and promulgation of preparedness standards, including the National Fire Protection Association 1600 Standard.

Section 803 of the Senate bill establishes a voluntary certification program to assess whether a private sector entity meets voluntary preparedness standards. In consultation with private sector organizations listed in the section, the Secretary would support the development of voluntary preparedness standards and develop guidelines for the accreditation and certification program. The accreditation and certification process would be implemented and managed by one or more qualified nongovernmental entities selected by the Secretary. Under the program, companies wishing to be certified would have their applications reviewed by third parties accredited by the entity or entities managing the program, which would determine if certification was warranted.

The Conference substitute adopts the Senate provision, as well as aspects of section 1101 of the House bill, with modifications. The Conference substitute permits the development of guidance and recommendations, and identification of best practices, to assist or foster private sector preparedness. If such guidance and recommendations are developed, the Administrator of Federal Emergency Management Agency (FEMA) and the Assistant Secretary for Infrastructure Protection will work to develop the guidance and recommendations, and the Administrator of FEMA will issue them. The Conference substitute requires the establishment of a voluntary certification program which will be developed by a designated officer within DHS, to be selected by the Secretary from among the Administrator of FEMA, the Assistant Secretary of Infrastructure Protection, and the Under Secretary for Science and Technology, in consultation with appropriate private sector parties designated in the legislation.

As recommended by the 9/11 Commission, through this section, the Department of Homeland Security will be promoting private-sector preparedness of which the 9/11 Commission said: ''Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world.''

Section 902. Responsibilities of the Private Sector Office of the Department

There is no comparable House provision.

Section 802 of the Senate bill amends section 102(f) of the Homeland Security Act to add promoting to the private sector the adoption of voluntary national preparedness standards to the responsibilities of the Special Assistant to the Secretary. It also establishes a new responsibility for the private sector advisory councils: advising the Secretary on private sector preparedness issues.

The Conference substitute adopts the Senate provision with minor modifications.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Section 1001. National Asset Database

Section 902 of the House bill requires the Secretary of the Department of Homeland Security (the Department or DHS) to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National At-Risk Database. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the States and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or omitting assets from the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs and to provide an annual report to Congress on the contents of the Databases.

Section 1101 of the Senate bill requires the Secretary to establish a risk-based prioritized list of critical infrastructure and key resources that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts. The list must be reviewed and updated at least annually. The provision also requires an annual report summarizing the construction and contents of the list. The report may include a classified annex.

The Conference substitute adopts the House provision with certain modifications. The Conferees determined that there is a uniform manner by which to compile the country's vital assets and to prioritize those assets, as called for in Homeland Security Presidential Directive-7. This process will enable a more effective cooperation with State and local governments and provide a means by which the appropriate Congressional Committees may annually review the prioritized list as well as receive a report about the database and list.

The Conference substitute modifies the House provision to require the Secretary to maintain a prioritized critical infrastructure list, as called for in the Senate bill, instead of the National At-Risk Database. Furthermore, the Conference substitute authorizes the Secretary to form an optional consortium to advise on the Database, but did not make the formation of such a consortium mandatory.

Section 1002. Risk assessments and report

Section 901 of the House bill requires the Secretary to prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year, unless a vulnerability assessment is required under another provision of law. The Secretary must provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision requires the Secretary to provide the appropriate Congressional Committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities and provide explanations and comments on greatest risks to critical infrastructure for each sector and any recommendations for mitigating these risks.

Section 1102 of the Senate bill requires the Secretary, for each fiscal year, to prepare a risk assessment of the critical infrastructure and key resources of the United States. It requires that the risk assessment be organized by sector and that it contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment. It enables the Secretary to rely upon other assessments prepared by another Federal agency that the Department determines are prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection. It also requires the Secretary to submit an annual report to the relevant Congressional Committees that contains a summary and review of the risk assessments prepared by the Secretary for that year. The report will be organized by sector and will include the Secretary's recommendations for mitigating risks identified by the assessments.

The Conference substitute adopts a compromise provision by eliminating the requirement for the Secretary to conduct risk assessments under this section because those same assessments are required to be conducted under the Homeland Security Act. The Conference substitute requires the Secretary to provide a report on the comprehensive risk assessments on critical infrastructure that the Department is already required to conduct under the Homeland Security Act.

Further, the Conference desires that, if appropriate, the report or reports be furnished in a public form with a classified annex. Furthermore, the Conference intends that the classification of information required to be provided to Congress or shared between the Department and any other sector-specific department or agency pursuant to this new paragraph, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and any other Federal Department or Agency. With regard to these assessments, the Homeland Security Act requires the Secretary to conduct the assessments with respect to the nation's critical infrastructure and key resources. The Conference intends for the Secretary to exercise his responsibilities under the Homeland Security Act and make a timely report to Congress. Through this section, the Conference does not intend to make any changes to the Secretary's authority under section 201 of the Homeland Security Act. The section requires the Secretary to submit a set of reports to the Senate Committee on Homeland Security and Governmental Affairs and the House of Representatives Committee on Homeland Security as well as other appropriate Congressional Committees containing a summary and review of the assessments prepared by the Secretary, as already required by the Homeland Security Act.

Section 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan

There is no comparable House provision.

Section 1101 of the Senate bill requires the Secretary to include levees in the Department's list of critical infrastructure sectors.

The Conference substitute adopts the Senate provision, while modifying it so that it is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resource sectors identified in the National Infrastructure Protection Plan.

TITLE XI—BIOLOGICAL AND NUCLEAR DETECTION

Section 1101. National Biosurveillance Integration Center

There is no comparable House provision. However, the House passed, on a bipartisan basis, a very similar provision as part of H.R. 1684, ''the Department of Homeland Security Authorization Act for Fiscal Year 2008.''

Section 701 of the Senate bill provides for the authorization of a National Biosurveillance Integration Center (NBIC) within the Department of Homeland Security (the Department or DHS). The primary mission of the NBIC is to enhance the situational awareness of the Federal Government of intentional and naturally occurring biological incidents of national concern, and to rapidly alert Federal, State and local entities of such incidents.

The Conference substitute adopts the Senate provision, with technical modifications.

In order to best achieve its mission, the Conference directs that NBIC Member Agencies to send all information that could indicate a biological incident of national concern, including protected health information from member agencies which are Public Health Authorities as defined by the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191, to the NBIC.

Section 1102. Biosurveillance efforts

There is no comparable House provision.

Section 702 of the Senate bill requires the Comptroller General of the United States to report to Congress on Federal, State, and local biosurveillance efforts, any duplication of such efforts, and recommendations on integration of systems and effective use of resources and professional expertise.

The Conference substitute adopts the Senate provision, with technical modifications.

Section 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction

There is no comparable House provision.

Section 703 of the Senate bill requires the Secretaries of Homeland Security, State, Defense, Energy, the Attorney General and the Director of National Intelligence to jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by completing a joint annual interagency review of matters relating to the global nuclear detection architecture, which shall be submitted to the President and the appropriate Congressional Committees.

The Conference substitute adopts the Senate provision, with technical modifications.

Section 1104. Integration of detection equipment and technologies

There is no comparable House provision.

Section 1607 of the Senate bill requires the Secretary of Homeland Security to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and requires the Secretary to develop a departmental technology assessment process and report the process to Congress within 6 months of enactment.

The Conference substitute adopts the Senate provision, as engrossed by the Senate.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Section 1201. Definitions

The Conference substitute includes a provision which defines the terms ''Department'' and ''Secretary'' for the purposes of this title.

Section 1202. Transportation security strategic planning

Section 1002 of the House bill requires the Department of Homeland Security (the Department or DHS) to include additional information in subsequent submissions of the National Strategy for Transportation Security. It requires DHS to tie the risk-based priorities identified in the Strategy to the risk assessments conducted by DHS; to coordinate the development of the Strategy with Federal, State, regional, local and tribal authorities and transportation system employees; and to tie the budget and research and development to the priorities in the Strategy. It also requires DHS to build into the Strategy a more intermodal perspective for transportation security.

Section 901 of the Senate bill is a comparable provision.

The Conference substitute adopts modified language from both bills. The Conference would like to clarify that the information required by the periodic progress reports, on the turnover among senior staff of the Department (and any component agencies) working on transportation security issues, includes program managers responsible for transportation security programs, at the GS–13 level or its equivalent, as well as their immediate supervisors and other superiors, up to and including Assistant Secretaries or Under Secretaries.

Section 1203. Transportation security information sharing

Section 1001 of the House bill improves transportation security information between the public and private sectors by requiring the establishment of a Transportation Security Information Sharing Plan. It also requires the Department to provide a semi-annual report to Congress identifying the persons who receive transportation security information.

Section 902 of the Senate bill is a comparable provision, which also requires the plan be developed in consultation with the program manager of the Information Sharing Environment established under the Intelligence Reform and Terrorism Prevention Act of 2004. This section further requires that DHS establish a point or points of contact within the Department for distributing transportation security information to public and private stakeholders.

The Conference substitute adopts the Senate provision, as modified.

Section 1204. National Domestic Preparedness Consortium

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security (the Secretary) to develop guidance for a rail worker security training program. Section 1505 of the Senate bill requires the Secretary to issue regulations for a public transportation worker training program. Section 202 of the Senate bill authorizes the Secretary to establish a State Homeland Security Grant Program and an Urban Area Security Initiative grant program which allows States and localities to apply for grants from DHS for the purpose of training first responders.

The Conference substitute authorizes the establishment of the National Domestic Preparedness Consortium, which has been responsible for identifying, developing, testing and delivering training to State, local, and tribal emergency response providers. The Conference substitute further authorizes an expansion of the Consortium to include the National Disaster Preparedness Training Center and the Transportation Technology Center, Incorporated, to assist with providing security training to emergency responders and transportation workers.

In addition, the Conference substitute authorizes specific funding levels for the individual members of the Consortium that are intended to provide a baseline to determine future funding needs. However, the Conference does not believe that these authorized amounts should serve as artificial barriers to increased funding levels should greater increases be necessary and possible. The Conference recognizes the importance of the ongoing training at the National Domestic Preparedness Consortium, expects that the two new members will be able to provide unique training opportunities, and that by authorizing and expanding the Consortium the Department will be able to train even more of our Nation's emergency responders and transportation workers.

Section 1205. National Transportation Security Center of Excellence

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary to carry out a research and development program for the purpose of improving freight rail and intercity passenger rail security. Section 1507 of the Senate bill requires the Secretary to award grants or contracts for research and development of technologies and methods to improve security for public transportation systems. Section 1467 of the Senate bill extends the authorization for the Secretary to carry out research and development for aviation security, until 2009.

The Conference substitute authorizes the establishment of a National Transportation Security Center of Excellence to conduct research and development and education activities, and develop or provide training to transportation employees or professionals.

Section 1206. Civil immunity for reporting suspicious activity

There is no comparable House provision.

There is no comparable Senate provision.

The Conference recognizes that the general public often provides critical assistance to law enforcement in its efforts to disrupt terrorist activity against the homeland. The Conference substitute adopts this section to address the potential chilling effect of lawsuits filed against members of the public who reported what they reasonably considered to be suspicious activity to appropriate personnel.

The Conference substitute adopts language granting civil immunity to those who, in good faith and based on objectively reasonable suspicion, report ''covered activity'' to an ''authorized official.'' The term ''covered activity'' is defined as suspicious activity indicating that a person is preparing to or may be violating the law in a way that threatens a passenger transportation system, passenger safety, or passenger security or that involves an act of terrorism. The suspicious activity must involve or be directed against a passenger transportation system. An authorized official is defined as any employee or agent of a passenger transportation system or other persons with responsibilities relating to the security of such systems. It also includes anyone working for or on behalf of the Departments of Homeland Security, Transportation or Justice who have responsibilities relating to the security of passenger transportation systems as well as any Federal, State, or local law enforcement officer. Persons who make false reports or who make a report with reckless disregard for the truth are not entitled to civil immunity under this section.

The Conference substitute also grants qualified civil immunity to any authorized official who takes reasonable action to respond to a report of covered activity. An authorized official not entitled to assert the defense of qualified immunity is nevertheless immune from civil liability under Federal,

State or local law. The Conference intends to provide civil immunity to anyone within the chain of reporting who reasonably responds in good faith to the covered activity. However, the Conference does not intend to amend, limit, or reduce existing qualified immunity or other defenses pursuant to Federal, State, or local law that may otherwise be available to authorized officials as defined by this section. To address this concern the Conference substitute includes a savings clause that states that nothing in the section shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available. The savings clause also reiterates that this section is not intended to affect any such defense, privilege or immunity.

The Conference substitute also allows any person or authorized official who is found to be immune from civil liability under this section to recover reasonable costs and attorneys fees should they be named as a defendant in a civil suit. It defines a ''passenger transportation system'' as public transportation, over-the-road bus transportation, including school bus transportation, intercity rail transportation, passenger vessels, including passenger and automobile ferries, and air transportation. Finally, the Conference substitute states that this section takes effect as of October 1, 2006 and shall apply to all activities and claims arising on or after that date.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

Section 1301. Definitions

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute defines several terms used within this title.

Section 1302. Enforcement authority

There is no comparable House provision.

Section 1432 of the Senate bill expands the Transportation Security Administration's (TSA) existing administrative civil penalty authority to authorize civil penalties and enforcement of regulations and orders of the Secretary of Homeland Security (the Secretary) relating to non-aviation security. Under this section, the Secretary must give written notice of the finding of a violation and the penalty, and the penalized person has the opportunity to request a hearing on the matter. This section also provides that, in a civil action to collect such a penalty, the issues of liability and the amount of the penalty may not be reexamined; it places exclusive jurisdiction for these actions in the Federal district courts in certain instances; and it establishes ceilings for the penalty amounts the Secretary may administratively impose.

The Conference substitute adopts the Senate provision with minor changes, including a provision that requires the Secretary to make publicly available summaries of enforcement actions taken and a report on the Department's enforcement process. The Conference substitute limits this administrative enforcement authority as it relates to fines and civil penalties against public transportation agencies and violations of administrative and procedural requirements related to the transportation security grant programs of this Act through section 1304 of the Conference substitute.

Section 1303. Visible Intermodal Prevention and Response Teams

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) practice of deploying security teams, known as Visible Intermodal Prevention and Response teams (VIPR), to augment the security of any mode of transportation. This provision authorizes the Secretary to determine, consistent with ongoing security threats, when a VIPR team should be deployed and for what duration, in coordination with local law enforcement. The provision also allows the Secretary to use any asset of the Department, including Federal Air Marshals, Surface Transportation Security Inspectors, canine detection teams, and advanced screening technology as part of VIPR teams. Under this section, the Secretary would be required to consult with local law enforcement and security officials and transportation entities directly affected by VIPR deployments, prior to and during deployments of VIPR teams to ensure coordination and operation protocols. This section authorizes such sums as necessary annually from FY 2008–2011 to cover costs associated with the VIPR program.

Section 1304. Surface Transportation Security Inspectors

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) Surface Transportation Security Inspectors (STSIs) program and includes language addressing the mission and authorities of the inspectors, requiring coordination and consultation with the Department of Transportation (DOT) and affected entities, and providing limitations regarding the issuance of fines and civil penalties against public transportation agencies and for violations of administrative and procedural requirements of the Act. Additionally, the Conference substitute requires the Secretary to increase the number of STSIs employed by TSA, up to a level of 200 STSIs in FY 2010 and FY 2011, and requires the DHS Inspector General to issue a report to the appropriate Congressional Committees regarding the performance and effectiveness of STSIs, the need for additional inspectors, and other recommendations. The provision also authorizes the following amounts for the STSI program: $11.4 million for FY 2007, $17.1 million for FY 2008, $19.95 million for FY 2009 and $22.8 million for FY 2010 and 2011, respectively.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

Section 1305. Surface transportation security technology information sharing

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that would require the Secretary, in consultation with the Secretary of Transportation, to establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities and State, local, and tribal governments that provide security assistance to such entities. The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

The provisions allow the Secretary to include in such information whether the technology is designated as a qualified antiterrorism technology under the SAFETY Act, as appropriate, and requires the Secretary to ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

Section 1306. TSA personnel limitations

There is no comparable House provision.

Section 1451 of the Senate bill provides that any statutory limitation on the number of Transportation Security Administration employees shall not apply to employees carrying out this title.

The Conference substitute adopts the Senate provision as it applies to this title and titles XII, XIV, and XV of the Conference substitute.

Section 1307. National Explosives Detection Canine Team Training Program

There is no comparable House provision.

Section 1476 of the Senate bill directs the Secretary to enhance the National Explosive Detection Canine Team Program and maximize canine training capacity so that up to 200 additional dogs can be certified each year, starting at the end of calendar year 2008. The Secretary would be given flexibility across transportation modes to use as needed and deemed necessary. The provision encourages the Secretary to review potential benefits of establishing new canine training partnerships throughout the United States.

The Conference substitute adopts the Senate provision as modified. The modified provision requires the Secretary to increase the number of explosives detection canine teams certified by the TSA for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010 and encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

To increase the number of explosives detection canine teams, the Secretary shall use a combination of methods including the use and expansion of TSA's National Explosives Detection Canine Team Training Center; partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector; and procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, provided they are trained in a manner consistent with the standards and requirements developed pursuant to this section or other criteria developed by the Secretary.

The Secretary is also required to establish criteria that include canine training curricula, performance standards, and other requirements approved by TSA as necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained. In developing and implementing such curricula, performance standards, and other requirements, the Secretary would be required to coordinate with key stakeholders to develop best practice guidelines for such a standardized program; ensure that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

The Conference substitute also requires the Secretary to use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network. The Secretary may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate. The Secretary is also required to make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary and shall encourage, but not require, transportation facilities or systems to deploy TSA-certified explosives detection canine teams.

The Conference substitute requires the Secretary, acting through the TSA Administrator, to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price using available procurement methods and increased domestic breeding, if appropriate. Additionally, the Comptroller General is required to report to the appropriate Congressional Committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program. Finally, the Conference substitute authorizes such sums as may be necessary to carry out this section for Fiscal Years 2007 through 2011.

The Conferees note that the definition of ''explosives detection canine team'' as a ''canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary'' is intended to ensure that individual canine teams that are trained to detect any of these specific materials listed are eligible under this section. The Conferees recognize that explosives detection canines are not trained to additionally detect chemical, nuclear or biological weapons and that, at present, such teams cannot detect radiological materials. Further, the Conferees recognize that canines are trained to detect specific threats and cannot, at this time, effectively be crossed-trained to identify multiple threats. In requiring the TSA to develop canine training curriculum and performance standards under this section, the Conferees expect TSA to do so for those threats within the definition that are currently applicable to canine team detection. However, the Conferees trust that TSA will explore opportunities to train and/or acquire canines that are able to detect new and emerging threats, such as chemical, radiological, nuclear and biological weapons. To that end, the Conferees expect that prior to developing and distributing canine training curriculum and performance standards under this section,

TSA will fully vet any ongoing training, whether domestic or international, that has a proven method to successfully detect those additional threats that may not currently be applicable to TSA-trained canines.

Section 1308. Maritime and surface transportation security user fee study

There is no comparable House provision.

Section 1452 of the Senate bill requires the Secretary to study the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected to fund maritime and surface transportation security improvements. In developing the study, the Secretary would be directed to consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons. The study would include an assessment of current security-related fees in the United States, Canada, and Mexico; an analysis of the impact of fees on transportation carriers and shippers; and an evaluation of current private and public sector expenditures on maritime and surface transportation security. Within 1 year after the date of enactment, the Secretary would be required to transmit a report to Congress on the results of the study.

The Conference substitute adopts the Senate provision with minor modifications.

Section 1309. Transportation Worker Identification Credential (TWIC)

There is no comparable House provision.

Sections 1454 and 1455 of the Senate bill codify the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons.

The Conference substitute adopts the Senate provision, with minor modifications, codifying the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons. Nothing in this section is intended to change the waiver and appeal rights afforded to workers in 70105 of title 46. In fact, the Conferees expect that as the Secretary moves to implement the TWIC program, workers will have their waiver and appeal cases decided expeditiously and that a sufficient number of administrative law judges will be available to adjudicate these cases.

Section 1310. Roles of the Department of Homeland Security and the Department of Transportation

There is no comparable House provision.

Sections 1421, 1425, 1435, 1441, 1442, 1444, 1448, 1449, 1445, 1503 and 1506 of the Senate bill require the Secretary of Homeland Security to consult, coordinate, or work with the Secretary of Transportation in the implementation of the requirements of the sections. Section 1443 of the Senate bill further requires the Department of Homeland Security and the Department of Transportation to execute and develop an annex to the Memorandum of Understanding between the Departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters.

The Conference substitute includes a provision which affirms and clarifies the current delineation of the roles and responsibilities of Department of Homeland Security and the Department of Transportation related to carrying out the provisions of this Act related to transportation security.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

Section 1401. Short title

There is no comparable House provision.

Section 1501 of the Senate bill cited the short title as ''The Public Transportation Terrorism Prevention Act of 2007.''

The Conference Substitute adopts a compromise provision, providing that this title may be cited as ''The National Transit Systems Security Act of 2007.''

Section 1402. Definitions

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a definition section in an effort to clarify terms used in Title XIV of the bill.

Section 1403. Findings

There is no comparable House provision.

Senate Section 1502 finds that public transit is a top target of terrorism worldwide, that the Federal Government has invested significant sums in creating and maintaining the nation's transit infrastructure, that transit is heavily used and that the current Federal investment in security has been insufficient and greater investment is warranted.

The Conference substitute adopts the Senate findings as modified.

Section 1404. National strategy for public transportation security

There is no comparable House provision.

The Senate bill does not require an additional strategy for transit beyond the modal requirements in Title XII.

The Conference substitute adopts the Senate provision with modifications. The purpose of the strategy is to minimize security threats and maximize the abilities of public transportation systems to mitigate damage that may result from terrorist attacks. The Secretary of Homeland Security (the Secretary) is required to use established and ongoing public transportation security assessments and consult with all relevant stakeholders that are specified in the legislation in developing a national strategy.

Section 1405. Security assessments and plans

There is no comparable House provision.

Section 1503 of the Senate bill requires the Federal Transit Administration of the Department of Transportation to submit all public transportation security assessments and other relevant information to the Secretary 30 days after the date of enactment. The Secretary is also required to use the security assessments received as the basis for allocating grant funds, unless the Secretary notified the Senate Committee on Banking, Housing, and Urban Affairs that the Secretary determined an adjustment is necessary to respond to an urgent threat or other significant factors.

The Senate provision requires the Secretary to conduct both annual updates to the existing assessments and new security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack. In addition, the Secretary is required to establish a process for developing security guidelines for public transportation security and to design a security improvement strategy that minimizes terrorist threats to public transportation systems, and maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks. It also requires the Secretary to conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of bus-only and rural transit systems.

The Conference substitute adopts the requirements included in the Senate bill with modification. It requires the Federal Transit Administration and the Department of Transportation to transfer all existing security assessments as well as any other relevant information to the Department of Homeland Security (the Department or DHS). It also requires the Secretary to review and augment the assessments and to conduct additional assessments as necessary to ensure that, at a minimum, all high-risk public transportation agencies will have a completed security assessment. The Conference substitute further specifies that each completed assessment should include, at a minimum, an identification of critical assets, infrastructure and systems and their vulnerabilities and an identification of any other security weaknesses, including weaknesses in emergency response planning and employee training. The Conference substitute adopts the Senate's provisions addressing bus-only and rural transit systems with a clarification that these assessments are meant to be representative of the needs of these systems and shall be made available for use by similarly situated systems.

The Conference substitute adopts provisions related to mandatory security plans. All high-risk systems will be required to have a security plan provided they receive grant funding. However, the Conference agreed to provide the Secretary a waiver of that provision in order that he may require a security plan for a high-risk system that has not received grant funding, provided that upon issuance of that waiver, the Secretary, not less than three days after making that determination, provides Congress and the public transportation system written notice detailing the need for the security plan, the reason grant funding has not been made available and the reason the agency has been designated high-risk. The Secretary is required to provide guidance on developing, preparing and implementing these plans. Developing security plans is an eligible expense for funds received under this Title. The security plans must be consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security. The Secretary is authorized to establish a program to develop security plans for systems that are not designated at high-risk, provided that no such system may be required to develop a plan. Security plans are required to be updated annually, as appropriate.

The Conference substitute also includes language on nondisclosure of information, encouraging coordination among different modes of transportation to the extent they share facilities, and allowing public transportation agencies to petition the Secretary to recognize existing protocols, procedures and standards as meeting all or part of the requirements for security assessments or plans.

Section 1406. Public transportation security assistance

There is no comparable House provision.

Section 1504 of the Senate bill created two separate grant programs, one for capital expenses and another for operating expenses. The Senate bill required coordination with State homeland security plans and appropriate consideration of multi-State transportation systems, along with Congressional notification prior to grant awards and the requirement that transit agencies return any misspent grant funds.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute establishes a single grant program that awards grants directly to eligible public transportation agencies for security improvements. A public transportation agency is eligible if the Secretary has performed a security assessment or the agency has developed a security plan. Grant funds provided under this program may only be awarded for permissible uses described in this section that address items in a security assessment or further the agency's security plan.

The Conference agrees that the grants should be awarded pursuant to an agreement between the Departments of Homeland Security and Transportation. These two Departments are required to make their determination on the basis of what is the most efficient and effective method to deliver these grants directly to the transit agencies. The Conference expects that the delivery system chosen will reflect the system that meets these criteria. We note that there have been some concerns with the efficiency, efficacy and timeliness of the disbursal of these grants and believe that it is critical that the Secretaries reach a decision that will provide for these grants to be distributed as efficiently, effectively and quickly as possible. The Conference substitute in Section 1406(e) declares that all requirements of Section 5307 of Title 49 shall be applied to the recipients of these grant funds. Whichever Department distributes and awards the grants will have to be responsible for ensuring that those requirements are met.

The Conference substitute also includes a list of eligible capital expenses and separately, a list of eligible operating expenses for the distribution of grant funds, and retains Senate language addressing coordination with State homeland security plans, multi-state transportation systems, Congressional notification and the requirement that transit systems return any misspent grant funds.

The Conference substitute includes authorization levels for each year, although the overall amount of $3.5 billion was similar to the Senate bill. In addition, the Conference substitute includes a structure that caps the amount of funds that can be used for operational expenses each year of the authorization, declining from 50 percent in Fiscal Year 2008 to 10 percent in 2011. The Conference expects that training costs will be the predominant use of operating funds in the first two years of the program which led to the decreasing limitation on operating funds over the life of the bill. The Conference substitute provides the Secretary with a waiver of the limitation on operating expenses, provided such waiver is used only in the interest of national security. Use of the waiver requires Congressional notification, prior to any such action. The Conference substitute also requires any funds distributed under Public Law 110–28 to be allocated based on risk and distributed solely to address security issues that have already been identified in security assessments.

Section 1407. Security exercises

There is no comparable House provision.

The Senate bill did not include a separate exercise provision, although security exercises were an eligible expense under the program, as shown in Section 1504(b).

The Conference substitute adopts more specific language and requirements for the Secretary to establish a program for conducting security exercises. The program shall cover public transportation agencies, Federal, State and local governments, including emergency response providers and law enforcement as well as any other organizations that the Secretary determines are appropriate to include.

Section 1408. Public transportation security training program

There is no comparable House provision.

Section 1505 of the Senate bill contains a transit security training program detailing how the Secretary, in consultation with appropriate officials, is required to develop and issue detailed regulations for a public transportation worker security training program. Public transportation agencies who receive security funding must develop a comprehensive worker training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. No later than one year after the plan has been established and reviewed, the public transportation agency must complete the training of all workers. The Secretary is required to report to Congress on the training program and update it as necessary.

The Conference substitute adopts the security training program with modification. The Conference substitute requires all public transportation systems that receive security grants under this Title to train all frontline public transportation employees and other workers, as appropriate. The training requirement is for both initial and ongoing training for any agency that receives a security grant. The Conference substitute requires the Secretary to issue regulations, including interim final regulations, to implement the training requirement. In developing these regulations the Secretary must consult with appropriate law enforcement, fire service security, terrorism experts, representatives of public transportation systems and nonprofit employee labor organizations representing public transportation workers or emergency response personnel. Public transportation agencies that receive security funding must develop a comprehensive employee training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. Not later than one year after each public transportation agency's training program has been established and reviewed, the public transportation agency must complete the training of all workers covered under the program. The Conference substitute also includes a study to be conducted by the Comptroller General on the implementation of the training program, requiring a survey of transit agencies and employees.

Section 1409. Public transportation research and development.

There is no comparable House provision.

Section 1507 of the Senate bill includes a transportation research and development section to establish, through the Homeland Security Advanced Research Projects Agency, and in consultation with the Federal Transit Administration, a program to distribute grants or contracts to public and private entities to conduct appropriate research into technologies or methods of deterring and mitigating the effects of terrorist attacks. The Secretary must report to the Congress on the use of these funds and if the Secretary determines that grant funds were misspent, the grantee shall return grant funds to the Treasury of the United States.

The Conference substitute adopts the Senate provision with a modification to establish a research and development program related to public transportation. The program will be established through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and will consult with the Federal Transit Administration. Grants and/or contracts will be awarded to public or private entities to conduct research or demonstrate technologies and methods to reduce and deter terrorist threats or to mitigate damage resulting from an attack. The Conference substitute also adopts language regarding privacy and civil rights and the Senate language on reporting and misspent grant funds and requires coordination with the priorities included in the National Strategy for Public Transportation Security. The Conference substitute authorizes $25,000,000 per year for this program.

Section 1410. Intelligence sharing

There is no comparable House provision.

The Senate bill, Section 1506, required the Secretary to provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (ISAC). All transit agencies would be encouraged to participate in the ISAC and those that the Secretary deemed to be at significant risk would be required to participate. The imposition of fees was prohibited.

The Conference substitute adopts the Senate proposal with modification. It includes a report to be conducted by the Comptroller General to examine the value and efficacy of the ISAC along with any other public transportation information sharing programs ongoing at the Department of Homeland Security, including the Homeland Security Information Network (HSIN) system. The Conference substitute also authorizes specific dollar amounts for the ISAC for Fiscal Years 2008–2010 and such sums as necessary for 2011 provided the Comptroller's report has been submitted to Congress.

Section 1411. Threat assessments

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary to complete a name-based security background check of public transportation front-line employees against the consolidated terrorist watch list and an immigration status check, within one year after the date of enactment, similar to the threat assessment conducted by the U.S. Coast Guard with regard to facility employees and longshoremen.

Section 1412. Reporting requirements

There is no comparable House provision.

Section 1508 of the Senate bill includes a reporting section that required the Secretary to submit a semi-annual report to the Committee on Banking, Housing and Urban Affairs, the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations, on the implementation of the capital and operational grant programs, the use of funds and the State of public transportation security in the United States. It further requires the Secretary to submit an annual report regarding the amount and use of grant funds to the Governor of each State with a public transportation agency that has received a grant.

The Conference substitute broadens the reporting requirements included in the Senate bill to ensure that Congress receives substantive, useful information regarding public transportation security from the Department of Homeland Security. To that end, the Conference substitute includes an annual report to Congress, due on March 31st of each year, that includes: a description of the implementation of the provisions of Title XIV; the amount of funds appropriated to carry out the title that have not been spent; the National Strategy for Public Transportation Security; an estimate of the costs to fully implement the National Strategy for Public Transportation Security, to be broken out for each Fiscal Year from 2008 through 2018; and the state of public transportation security in the United States. The Conference substitute maintains the Senate's requirement of an annual report to the Governors.

Section 1413. Whistleblower protection

There is no comparable House provision.

The Senate bill modifies existing whistleblower protections for rail employees.

The Conference substitute adopts protections for public transportation employee whistleblowers, modeled on the protections available to railroad employees under 49 U.S.C. 20109 as amended by this Act and aviation employees under 49 U.S.C. 42121.

Section 1414. Security background checks of covered individuals for public transportation

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision to ensure that if the Secretary of Homeland Security requires or recommends security background checks of public transportation employees, adversely affected employees will have an adequate redress process.

Section 1415. Limitation on fines and civil penalties.

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute prohibits the Secretary and the surface transportation security inspectors (STSI) from issuing fines and civil penalties on public transportation agencies except in certain circumstances.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

TITLE XV—SURFACE TRANSPORTATION SECURITY

SUBTITLE A—GENERAL PROVISIONS

Section 1501. Definitions

Section 1001 of the House bill contains several definitions related to transportation security.

Section 1411 of the Senate bill defines the term ''high hazard materials.''

The Conference substitute adopts definitions for terms applicable to the title, including a new definition of ''security-sensitive materials,'' which must be defined by the Secretary of Homeland

Security (the Secretary) through a rule making. The Conference believes that completing the definition of ''security-sensitive materials'' should be a high priority for the Department of Homeland Security (the Department or DHS), since the definition of this term is a pre-requisite for the implementation of several other provisions within this title.

Section 1502. Oversight and Grant Procedures

There is no comparable House provision.

Section 1426 of the Senate bill authorizes the Secretary of Homeland Security to enter into contracts to audit and review grants awarded under the bill. The Secretary is required to prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures. In awarding grants, the Secretary may issue letters of intent (LOI) to recipients of grants awarded under this bill, as the Secretary may do now for aviation security funding through the Transportation Security Administration (TSA).

The Conference substitute adopts the Senate provision as modified. It requires the Secretary to establish procedures, including those for monitoring and auditing to ensure that grants are expended properly and for application and qualification for grants. The provision also provides that for grants awarded to Amtrak under this title, the Secretary shall coordinate with the Secretary of the Department of Transportation (DOT) in establishing necessary grant procedures. Additionally, the provision permits either Department to enter into contracts for additional audits and reviews of such grants to Amtrak.

The Conference substitute also permits the Secretary of Homeland Security to issue LOI's to grant recipients. The Conference acknowledges that an LOI is not a commitment of future funds by an agency. The Conference substitute requires that grant recipients return any misspent funds and that the Secretary take all necessary action to return such funds. It also requires the Secretary to notify appropriate Congressional Committees of its intent to award a grant. Finally, the Conference substitute requires that the Secretary ensure, to extent practicable, that grant recipients use disadvantaged business concerns as contractors or subcontractors.

Section 1503. Authorization of Appropriations

There is no comparable House provision.

Section 1437 of the Senate bill authorizes appropriations for the Secretary of Homeland Security for Fiscal Years (FY's) 2008–2010 and for the Secretary of Transportation for FY's 2008–2011 to carry out the activities required by the Act.

The Conference substitute adopts the Senate provision as modified to reflect the authorization levels contained within the sections of this title.

Section 1504. Public Awareness

There is no comparable House provision.

Section 1434 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, within 90 days after the date of enactment of this Act, to develop a national plan for improved public outreach and awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Not later than 9 months after the date of enactment of this Act, the Secretary would be directed to implement this plan.

The Conference substitute adopts the Senate provision with minor modifications, including adding over-the-road bus security matters to the provision.

SUBTITLE B—RAILROAD SECURITY

Section 1511. Railroad Transportation Security Risk Assessment and National Strategy

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force comprised of the Transportation Security Administration (TSA) and others to complete a risk assessment of freight and passenger rail transportation. It also requires the development of recommendations for improving rail security based on the required risk assessment and the establishment of plans to address such recommendations. This section requires the Secretary to report to the appropriate Congressional Committees on the assessment, recommendation, plans and costs to implement such recommendations. In addition, the Secretary is required to include in the recommendations a plan for the Federal government to provide security support at high threat levels of alert; a plan for coordinating existing and planned rail security initiatives undertaken by public and private entities; and a contingency plan developed in conjunction with intercity and commuter passenger railroads to ensure the continued movement of freight and passengers in the event of a terrorist attack. The provision authorizes $5 million for Fiscal Year 2008 to carry out this section.

The Conference substitute adopts the Senate provision, as modified. The modified provision requires the Secretary to establish a task force to complete a nationwide railroad security risk assessment, including freight, intercity passenger and commuter railroads. The Secretary may make use of the Government Coordinating Council in the establishing of the task force. Based upon this assessment, the Secretary is required to develop a modal plan for railroad security, entitled the ''National Strategy for Railroad Transportation Security,'' which will serve as the general Federal strategy for improving railroad security.

In completing the assessment and the strategy required by this section, the Conference does not intend for TSA and the Department of Homeland Security to unnecessarily re-do existing assessment and modal plan work, of sufficient quality and relevance, already completed by the agency or other Federal, private or public stakeholders. However, the Conference expects any existing assessments and existing modal plans used to be synthesized into a comprehensive and coherent total assessment and strategy, not simply compiled into a single document. The Conference substitute authorizes $5 million for FY 2008 to carry out this section.

The Conference notes its frustration with TSA's inability to complete a comprehensive risk assessment and national strategy for the railroad sector. The Conference believes fulfillment of this section to be an absolute priority, so that the results of the assessment may be used to guide the ongoing rail security efforts and the new programs called for in this Conference substitute.

Section 1512. Railroad Carrier Assessments and Plans

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force to complete a risk assessment of freight and passenger rail transportation, develop recommendations for improving rail security based on the risk assessment, and establish plans to address such recommendations.

The Conference substitute adopts a provision addressing railroad carrier risk assessments based upon elements of Senate Section 1421. The provision would require that railroad carriers assigned to a high-risk tier by the Secretary complete a vulnerability assessment and develop security plans to be approved by the Secretary. In addition, the Secretary would be authorized to establish a program to provide guidance and assistance for undertaking assessments and security plans and a process by which such voluntary assessments and plans may be approved by the Secretary for railroad carriers not assigned to a high-risk tier.

Section 1513. Railroad Security Assistance

There is no comparable House provision.

Section 1424 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA and other entities, to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used to transport hazardous materials, institutions of higher education, State and local governments, and Amtrak, for full or partial reimbursement of costs incurred to prevent or respond to acts of terrorism, sabotage, or other risks. The Secretary would be required to adopt necessary procedures to ensure that grants made under this section are expended in accordance with the purposes of the Act. The Secretary awards and distributes all grants under this provision, except for grants to Amtrak which the Secretary can award, but the Secretary of Transportation would distribute using the

well-established DOT grant process which is used to distribute Federal operating and capital grants Amtrak. This section authorizes $100 million for the Department of Homeland Security for each of Fiscal Years 2008 through 2010 to carry out this section. Grants to Amtrak are limited to $45 million over the authorization period and certain grants related to hazardous materials rail security are limited to $80 million in total over the authorization period.

The Conference substitute adopts a modified version of the Senate provision. The provision establishes a railroad security grant program for railroads that have completed a vulnerability assessment and security plan under Section 1513 of the Conference substitute for a permissible use identified within the section. However, the Secretary has the discretion during the first three years after the date of enactment of the Act, or up until one year after the regulations are issued under section 1513, to award grants based on vulnerability assessments and security plans developed by railroad carriers that do not meet the requirements of Section 1513 if the Secretary finds such assessments and plans sufficient. Additionally, grants can be awarded under this provision to fully or partially fund the assessments and plans required under Section 1513. The Conference includes these provisions to ensure that eligible entities would be authorized to receive grants funds under this section as soon as possible upon enactment of the Conference substitute and so that eligible entities could use grant funds to develop the assessments and plans required under Section 1513 in a timely fashion.

The Conference substitute assigns the responsibility of awarding and distributing grants to the Secretary, except for grants to Amtrak which the Secretary can award, but which the Secretary of Transportation would distribute using the well-established Department of Transportation grant process to Amtrak. The Secretary of Homeland Security is also required to report to the appropriate Congressional Committees on the feasibility and appropriateness of requiring non-Federal match for grants awarded under this provision.

The Conference believes the authorization of this grant program is particularly important because little of the existing DHS rail and transit security grant funds have been available to intercity passenger rail security and no grant funds have been made available for freight railroad security.

Section 1514. System-Wide Amtrak Security Upgrades

There is no comparable House provision.

Section 1422 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA, to make grants to Amtrak for the purposes of upgrading the security of assets, systems and infrastructure; securing tunnels, trains, and stations; hiring additional police officers; expanding emergency preparedness efforts; and for employee security training. The provision also requires that the Secretary of Transportation disburse the grants to Amtrak for projects contained in its system-wide security plan that it is required to develop. The provision authorizes funds to be appropriated for grants under this section for Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. The authorization amounts are increased and extended one Fiscal Year to reflect current and anticipated Amtrak security expenditures.

Section 1515. Fire and Life Safety Improvements.

There is no comparable House provision.

Section 1423 of the Senate bill authorizes the Secretary of Transportation to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor. This section authorizes $100 million in funding for the Department of Transportation for each of Fiscal Years 2008 through 2011 to make fire and life-safety improvements to the New York/New Jersey tunnels; $10 million for each of Fiscal Years 2008 through 2011 for improvements of the Baltimore & Potomac and Union tunnels in Baltimore, Maryland; and $8 million for each of Fiscal Years 2008 through 2011 for improvements of the Washington, D.C., Union Station tunnels. The Secretary of Transportation is required to approve plans submitted by Amtrak before distributing grants. In addition, the Secretary of Transportation is authorized to consider the feasibility of seeking a financial contribution from other rail carriers towards the cost of the project. This section also authorizes $3 million in FY 2008 for preliminary design of a new railroad tunnel in Baltimore, Maryland.

The Conference substitute adopts the Senate provision, but with reduced authorization levels to reflect the completion of portions of phase 1 of Amtrak's tunnel fire and life safety projects since the consideration of S.4 by the Senate, and other changes.

Section 1516. Railroad Carrier Exercises

Section 101 of the House bill provides grants to fund exercises to strengthen preparedness against risks of terrorism. Sections 301 and 302 of the House bill strengthen the design of the national exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the national exercise program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that requires the Secretary to create a security exercises program to test and evaluate the ability of railroads to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism. The provision also requires that the exercises conducted be tailored to the needs of particular facilities, including accommodations for individuals with disabilities; live, in the case of the most at-risk facilities to a terrorist attack; and coordinated with appropriate officials. The Conference substitute also requires that the Secretary, together with the Secretary of Transportation, ensure that the program consolidates existing railroad security exercises that are administered by the Departments, unless this requirement is waived by the Secretary of Homeland Security.

The Conference intends for there to be one primary rail security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any Department of Transportation railroad safety or railroad hazardous materials exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

Section 1517. Railroad Security Training Program

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, not later than 1 year after the date of enactment of this Act, to work with law enforcement officials, as well as terrorism and railroad security experts, to develop and issue detailed guidance for a railroad worker security training program to prepare frontline workers for potential security threat conditions. This section also would require railroad carriers to adopt a worker security training program in accordance with the guidance and submit it to the Secretary of Homeland Security for approval. Within one year after the Secretary completes a review of a railroad carriers' training programs, the railroad carrier would be required to complete the training of all front-line employees consistent with the approved program.

The Conference substitute adopts the Senate provision with modified language that requires the Secretary, in consultation with appropriate parties, to issue regulations for a railroad training program to prepare frontline employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. Not later than 90 days after the Secretary issues regulations, each railroad carrier would be required to submit for review and approval a security training program. Each freight and passenger railroad is required to complete training of all employees not later than one year after the Secretary approves its training program. The Secretary is required to review implementation of the training program.

Section 1518. Railroad Security Research and Development

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary of Homeland Security to, in conjunction with the Department of Homeland Security's Undersecretary for Science and Technology and the Administrator for TSA, and in consultation with the Secretary of Transportation, carry out a research and development program for the purpose of improving freight and intercity passenger rail security. In carrying out this section, the Secretary of Homeland Security would be required to coordinate with other research and development initiatives at the Department of Transportation. The Secretary also may award research and development grants to certain entities described in this section. This section authorizes $33 million for the DHS for each of Fiscal Years 2008 through 2011 for the Secretary to carry out this section.

The Conference substitute adopts the Senate provision as modified to extend the authorizations to Fiscal Year 2011, to ensure coordination with other research and development initiatives, and with a provision included to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights would receive privacy impact assessments.

Section 1519. Railroad Tank Car Security Testing

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would assess likely methods of a deliberate attack on a railroad tank car transporting toxic-inhalation-hazard materials and the potential impact of such attacks. It requires the Secretary of Homeland Security to conduct certain physical tests as part of the assessment and to submit a report within 30 days of completing the assessment to the appropriate Congressional Committees. The Conference substitute also requires an air dispersion modeling analysis of a rail tank car carrying toxic-inhalation-hazard materials and specifies factors to be

considered in that analysis, as well as parties to be consulted in conducting such analysis. Further, the substitute directs the Secretary to share the information developed through the analysis and submit a report to the appropriate Congressional Committees within 30 days of completion of all the modeling exercises. In performing the physical testing required under this section, the Conference expects that the Secretary will take into account other Federal agencies and resources with applicable expertise in such matters.

Section 1520. Railroad Threat Assessments

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary of Homeland Security to implement a threat assessment screening program for all relevant transportation employees within one year after the date of enactment, including a name-based check for all employees against the consolidated terrorist watch list and an immigration status check, similar to the threat assessment conducted by the U.S. Coast Guard with regard to port workers.

Section 1521. Railroad Employee Protections

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security. The provision precludes railroad carriers from discharging, or otherwise discriminating against, a railroad employee because the employee, or the employee's representative: provided, caused to be provided, or is about to provide, to the employer or the Federal government information relating to a reasonably perceived threat to security; provided, caused to be provided, or is about to provide testimony before a Federal or State proceeding; or refused to violate or assist in violation of any law or regulation related to rail security.

The Conference substitute adopts a modified version of the Senate language. It modifies the railroad carrier employee whistleblower provisions and expand the protected acts of employees, including refusals to authorize the use of safety-related equipment, track or structures that are in a hazardous condition. Additionally, the Conference substitute enhances administrative and civil remedies for employees, similar to those in subsection 42121(b) of title 49, United States Code. The language also provides for de novo review of a complaint in Federal District Court if the Department of Labor does not timely issue an order related to the complaint. The Conference substitute also raises the cap on punitive damages that could be awarded under this provision from $20,000 to $250,000.

The Conference notes that railroad carrier employees must be protected when reporting a safety or security threat or refusing to work when confronted by a hazardous safety or security condition to enhance the oversight measures that improve transparency and accountability of the railroad carriers. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

Section 1522. Security Background Checks of Covered Individuals

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would ensure that if the Secretary of Homeland Security issues a rule, regulation or directive requiring private employers to conduct security background checks for railroad workers, that it include a redress process for such workers similar to that provide under the Transportation Worker Identification Credential (TWIC) final rule, as required by 46 U.S.C. 70105 (c). The Secretary is also required to update private employers conducting background checks regarding guidance that has been issued and ensure that any future guidance issued on the topic is consistent with this provision. The Conference substitute requires the Secretary to issue a regulation prohibiting a railroad carrier or contractor or subcontractor to a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

It is not the intent of the Conference that this provision imply that it favors the Department of Homeland Security (DHS) requiring private employers to undertake security background checks. Rather, the Conference intends for the provision to ensure that if such regulations were ever to be promulgated by DHS, that it would contain due process protections similar to those in the TWICE rule would be available for employees. The Conference intends for private employees to retain all rights and authorities afforded them otherwise as private employers.

Section 1523. Northern Border Railroad Passenger Report

There is no comparable House provision.

Section 1428 of the Senate bill requires the Secretary, in consultation with the Transportation Security Administration (TSA), the Secretary of Transportation, heads of other appropriate Federal Departments and Agencies, and Amtrak, within one year after the date of enactment, to submit a report to Congress that contains: a description of the current system for screening passengers and baggage on rail service between the United States and Canada; an assessment of the current program to provide pre-clearance of airline passengers between the United States and Canada; an assessment of the current program to provide pre-clearance of freight railroad traffic between the United States and Canada; information on progress by the Department and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for pre-clearance of passengers on trains operating between the United States and Canada; a description of legislative, regulatory, budgetary, or policy barriers to providing pre-screened passenger lists for such passengers; a description of the Canadian position with respect to pre-clearance; a draft of any changes to Federal law necessary to allow for pre-screening; and a feasibility analysis of reinstating intransit inspections onboard international Amtrak trains.

The Conference substitute adopts the Senate provision and includes language to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights will receive privacy impact assessments. The Conference notes the significant delays that routinely plague Amtrak trains due to screening of passenger at or near the U.S.-Canadian border and that these delays both hamper international rail travel and increase costs for Amtrak, and therefore the Federal government. The Conference expects the Secretary of Homeland Security to work, in cooperation with Amtrak and the Canadian Government, to take steps to minimize such delays, as soon as practicable.

Section 1524. International Railroad Security Program

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require the Secretary of Homeland Security to develop a system to detect both undeclared passengers and contraband entering the United States by railroad, with a primary focus on the detection of nuclear and radiological materials and to submit a report to Congress on its progress. The Secretary, in consultation with the TSA, the Domestic Nuclear Detection Office, and Customs and Border Protection, may take a number of actions authorized by the provision to develop this system.

Section 1525. Transmission Line Report

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require that the Comptroller General perform the assessment of the security, safety, economic benefits and risks associated with the placement of high-voltage transmission lines along active railroad and other transportation rights of way.

Section 1526. Railroad Security Enhancements

There is no comparable House provision.

Section 1433 of the Senate bill allows police officers employed by a railroad to be deputized to help a second railroad in carrying out enforcement duties on the second railroad. In addition, the provision would require the Secretary of Transportation to write and distribute to States model railroad police commissioning laws to help prevent the problems posed by so-called ''scam railroads.'' ''Scam railroads'' are companies that are organized as railroads in order to obtain police powers but are not actually engaged in the railroad business.

The Conference substitute adopts the Senate provision as modified to extend the date by which the Secretary of Transportation would be directed to complete the model state legislation.

Section 1527. Applicability of District of Columbia Law to Certain Amtrak Contracts

There is no comparable House provision.

Senate Section 1438 would require that any lease entered into between the National Railroad Passenger Corporation and the State of Maryland be governed by District of Columbia law.

The Conference substitute adopts the Senate provision.

Section 1528. Railroad Preemption Clarification

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that is would to clarify the intent and interpretations of the existing preemption statute and to rectify the Federal court decisions related to the Minot, North Dakota accident that are in conflict with precedent. The modified language restructures 49 U.S.C. § 20106 and changes its title from ''National Uniformity of Regulation'' to ''Preemption'' to indicate that the entire section addresses the preemption of State laws related to railroad safety and security.

Subpart (a) of the Conference substitute is titled ''National Uniformity of Regulation'' and contains the exact text of 49 U.S.C. § 20106 as it existed prior to enactment of this Act. It is restructured for clarification purposes; however, the restructuring is not intended to indicate any substantive change in the meaning of the provision.

Subpart (b) of the Conference substitute provides further clarification of the intention of 49 U.S.C. § 20106, as it was enacted in

the Federal Railroad Safety Act of 1970, to explain what State law causes of action for personal injury, death or property damage are not preempted. It clarifies that 49 U.S.C. §20106 does not preempt State law causes of action where a party has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation or the Secretary of Homeland Security, its own plan or standard that it created pursuant to a regulation or order issued by either of the Secretaries, or a State law, regulation or order that is not incompatible with 49 U.S.C. §20106(a)(2).

The modified language also contains a retroactivity provision, which clarifies that 49 U.S.C. §20106 applies to all pending State law causes of action arising from activities or events occurring on or after January 18, 2002, the date of the Minot, North Dakota derailment. Finally, this provision indicates that nothing in 49 U.S.C. §20106 creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.

SUBTITLE C—OVER-THE-ROAD BUS AND TRUCKING SECURITY

Section 1531. Over-the-Road Bus Security Assessments and Plans

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within the Transportation Security Administration (TSA) to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The provision stipulates that the Secretary may not make grants to over-the-road operators until the operators have submitted security plans and provided additional information that the Secretary may require. Section 1447 also requires the Secretary to undertake a bus security assessment, that would include an assessment of: the existing over-the-road bus security grant program; actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed; whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses; the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees; ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; industry best practices to enhance security; and school bus security, if the Secretary deems it appropriate.

The Conference substitute requires the Secretary to issue regulations, not later than 18 months after the date of enactment, to require high-risk over-the-road bus operators to conduct vulnerability assessments and develop, submit and implement approved security plans. It allows the Secretary to establish a security program for over-the-road bus operators not assigned to a high-risk tier, including guidance on vulnerability assessments and security plans, and a review process, as appropriate. The Conference substitute also requires the Secretary to provide technical assistance and guidance on components of vulnerability assessments and security plans, in addition to relevant threat information necessary for preparing such assessments and plans. It requires the Secretary to review the vulnerability assessments and security plans not later than 6 months upon receipt, and approve such assessments and plans meeting the established requirements. The Conference substitute requires the Secretary to assign each over-the-road bus operator to a risk based tier and operators may be reassigned by the Secretary based on changes in risk. Finally, it requires that the over-the-road bus operators evaluate the adequacy of the assessments and plans submitted to the Secretary not later than 3 years after the date on which the assessment or plan was submitted, and at least once every five years thereafter.

Section 1532. Over-the-Road Bus Security Assistance

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk assets, counter-terrorism training and other security-related actions. This provision requires the Secretary, in making grants, to take into consideration security measures that over-the-road bus operators have taken since September 11, 2001. The Secretary may not make grants to private operators until the operators have submitted security plans and provided additional information that the Secretary may require. The provision further stipulates that the Secretary must submit a report to Congress and must consult with industry, labor and other groups. This provision authorizes the following funding: $12 million for FY 2008, $25 million for FY 2009, and $25 million for FY 2010. Section 1447 requires the Secretary to select the grant recipients, award, and distribute grants to eligible recipients.

The Conference substitute adopts the Senate language, with modifications. It requires the Secretary to establish a grant program and stipulates that the funds may be used for one or more of the following: construction and modifying terminals to increase security; modifying over-the-road buses to increase their security; protecting the driver of an over-the-road bus; acquiring or improving equipment to collect, store and exchange passenger and driver information with ticketing systems and for links with government agencies for security purposes; installing cameras and video surveillance equipment; establishing and improving emergency communications systems; implementing and operating passenger screening programs; developing public awareness campaigns for over-the-road bus security; operating and capital costs associated with over-the-road bus security; detection of chemical, biological, radiological or explosives, including the use of canine patrols; overtime reimbursement for security personnel; live or simulated security exercises; operational costs to hire, train and employ security officers; development of assessments or security plans; and other improvements deemed appropriate by the Secretary. The Conference substitute requires the Secretary to select the grant recipients and award the grants, but would require that, within 90 days following the date of enactment, that the Secretary and the Secretary of Transportation jointly determine the most effective and efficient means to distribute grants awarded under this section to grant recipients. Dependent on the result of this determination, one of the two Secretaries would be authorized to distribute the grants awarded under this section.

The Conference substitute also stipulates eligibility, limitations on uses of funds, annual reports, and consultation with stakeholders. It authorizes $12 million for FY 2008 and $25 million for each of Fiscal Years 2009 through 2011.

Section 1533. Over-the-Road Bus Exercises

Section 101 of the House bill provides for grants to fund exercises to strengthen terrorism preparedness. Sections 301 and 302 of the House bill strengthen the design of the National exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the National Exercise Program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, including the development and the conducting of training and exercises to support and evaluate emergency preparedness, response plans, and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a provision based on elements of the House provisions that require the Secretary to establish a program for conducting security exercises for over-the-road bus transportation to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism. The program shall include Federal, State, local agencies and tribal governments; over-the-road bus operators and terminal owners and operators; governmental and nongovernmental emergency response providers and law enforcement agencies; and other applicable entities. The program calls for consolidation of existing security exercises administered by the Department of Homeland Security, TSA and the Department of Transportation, as appropriate, and shall be comprised of live exercises tailored to the needs of the recipients, coordinated with appropriate officials, inclusive of over-the-road bus frontline employees, and consistent with the National Incident Management System, the National Response Plan and other related national initiatives, including the National Exercise Program. The exercises shall be evaluated by the Secretary and the ensuing best practices shall be shared with appropriate stakeholders, and used to develop recommendations of appropriate action.

The Conference intends for there to be one primary over-the-road bus security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any DOT motor carrier safety exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

Section 1534. Over-the-Road Bus Security Training Program

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill provides grants to over-the-road bus operators and over-the-road bus terminal operators and owners for the purposes of improving bus security, including training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection and hiring and training security officers.

The Conference substitute adopts a new provision that would require, not later than 6 months after enactment, the Secretary of Homeland Security and TSA to develop and issue regulations for a bus training program to prepare the over-the-road bus frontline employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. In developing the regulation, the Secretary shall consult with the appropriate stakeholders including law

enforcement, over-the-road bus operators, and nonprofit employee labor organizations. The program shall include security training for determining the following, including: the seriousness of an incident or threat; driver and passenger communication; appropriate responses and training related to terrorist incidents; understanding security procedures; operation and maintenance of security equipment. Not later than 90 days upon issuance of the regulations, the over-the-road bus operators shall develop security training programs, which the Secretary shall review not later than 60 days upon receipt. Not later than 1 year after receiving the Secretary's approval of the program, the over-the-road bus operator shall complete the security training of all over-the-road bus frontline employees. The Secretary shall update the training regulations, as appropriate and shall ensure that the program developed is a component of the National Training Program. Not later than 2 years after the issuance of the regulation, the Secretary shall review the program and report to the appropriate Congressional Committees.

Section 1535. Over-the-Road Bus Security Research and Development

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shutoff mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver.

The Conference substitute adopts a provision that requires the Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, to establish a research and development (R&D) program for over-the-road bus security. Eligible R&D projects include the following: reducing the vulnerability to explosives and hazardous chemical, biological and radioactive substances; testing of new emergency response and recovery techniques; developing improved technologies for emergency response training, and security and redundancy for critical communications. The R&D program shall be consistent with other transportation security R&D programs required by the Act, and shall be coordinated with related activities within the DHS as well as DOT, in addition to R&D conducted by additional entities and agencies. The provision permits R&D projects authorized in this section to be enacted through a reimbursable agreement, if necessary, or memoranda of understanding, contracts, grants, cooperative agreements or other applicable transactions. The Conference substitute also requires the Secretary to consult with the Chief Privacy Officer of the Department, and the Officer for Civil Rights and Civil Liberties, who must conduct privacy impact assessments and reviews, respectively and as appropriate, for R&D initiatives that could have an impact on privacy, civil rights or civil liberties. Finally, the provision authorizes $2 million for each of Fiscal Years 2008 through 2011.

Section 1536. Motor Carrier Employee Protections

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security.

The Conference substitute adopts a provision related to the Senate provision which expands whistleblower protections to motor carrier, including over-the-road bus, employees. It amends the current motor carrier employee whistleblower provision for safety to include whistleblower protections and increase employee protections related to security. This provision prohibits motor carriers from discriminating against or discharging any employee who reports a safety or security threat, or who refuses to work when confronted by hazardous safety or security conditions. The Conference substitute also provides employees with additional administrative and civil remedies, including de novo review of a complaint in Federal District Court if the Department of Labor does not issue an order related to the complaint in a timely fashion. It authorizes all relief necessary to make a whistleblower whole, including damages, reinstatement with prior seniority status, special damages, and attorneys' fees. Punitive damages are also made available to employees in an amount not exceed $250,000.

The Conference believes that motor carrier, including over-the-road bus, employees must be protected when reporting a safety or security threat or refusing to work when confronted by hazardous safety or security condition. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

Section 1537. Unified Carrier Registration System Agreement

There is no comparable House provision.

Section 1436 of the Senate bill reinstates the Single State Registration System (SSRS) used by some States to levy motor carrier registration fees. This system was repealed pursuant to the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA–LU) in the 109th Congress and a new Unified Carrier Registration (UCR) system was required to be developed. However, the Department of Transportation missed the deadlines to implement the new UCR system, meaning the States no longer have the necessary Federal authority to charge motor carriers registration fees. The Senate provisions reinstate the SSRS system until the UCR is implemented and thus provide authority for the States to collect registration fees.

The Conference substitute adopts a modified version of the Senate provision which will extend the effect of Section 14504 of title 49, U.S. Code, until January 1, 2008 or the effective date of final regulations issued under this section. The provision establishes a deadline of not later than October 1, 2007 for the Federal Motor Carrier Safety Administration (FMCSA) to issue final regulations to establish the Unified Carrier Registration System and set fees for the calendar year 2008 and subsequent calendar years, as required by law. The provision also amends relevant sections of SAFETEA–LU. By enacting this provision, the Conference does not intend that FMCSA should wait until 2008 to enact the Unified Carrier Registration System, in the event that the necessary regulations and fee structure are finalized in 2007. The Conference believes that FMCSA has the authority to set fees for 2007 pursuant to SAFETEA–LU and urges the expeditious enactment of the UCR plan and agreement and system as soon as possible.

Section 1538. School Bus Transportation Security

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of school bus security, if the Secretary deems it appropriate.

The Conference substitute expands upon the Senate provision and directs the Secretary to transmit a report to the appropriate Congressional Committees containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system. The report shall include assessments of the following: the security risks to the Nation's publicly and privately operated school bus systems; actions taken by operators to address security risks; and the need for additional actions and investments to improve the security of passengers traveling on school buses. In conducting these assessments, the Secretary shall consult with relevant stakeholders.

Section 1539. Technical amendment

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute amends subsection 1992(d)(7) of title 18, United States Code, to clarify that a definition includes intercity bus transportation.

Section 1540. Truck security assessment

There is no comparable House provision.

Section 1445 of the Senate bill requires the Secretary, in coordination with the Secretary of Transportation, to transmit a report to Congress on security issues related to the trucking industry.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to issue a report, in either classified or redacted format, or both, within one year that includes an assessment of the security risks to the trucking industry, an assessment of truck security actions already taken by public and private entities, an assessment of the economic impact that security upgrades might have on the trucking industry, an assessment of ongoing security research, an assessment of industry best practices, and an assessment of the current status of secure truck parking.

Section 1541. Memorandum of Understanding Annex

There is no comparable House provision.

Section 1443 of the Senate bill requires an annex to the existing Memorandum of Understanding between the Department of Transportation and the Department of Homeland Security governing the specific roles, delineations of responsibilities, resources and commitments of the two Departments in addressing motor carrier transportation security.

The Conference substitute adopts the Senate provision with a minor modification to emphasize that motor carrier transportation includes over-the-road bus transportation.

Section 1542. DHS Inspector General Report on Trucking Security Grant Program

There is no comparable House provision.

Section 1453 of the Senate bill requires the Inspector General of the Department to submit a report to Congress within 90 days of enactment on the Trucking Security Grant Program for Fiscal Years 2004 and 2005.

The Conference substitute adopts the Senate provision, as amended, to require the Inspector General of the Department of Homeland Security to submit an additional report within one year to Congress that analyzes,

using all years of available data, the performance, efficiency, and effectiveness of, the need for, and recommendations regarding the future of the Trucking Security Grant Program.

SUBTITLE D—HAZARDOUS MATERIAL AND PIPELINE SECURITY

Section 1551. Railroad Routing of Security-Sensitive Materials

There is no comparable House provision.

Section 1431 of the Senate bill directs the Secretary of Homeland Security, in consultation with TSA and the Department of Transportation, to require rail carriers transporting high hazard materials to develop security threat mitigation plans, including alternative routing and temporary shipment suspension options, and to address assessed risks to high consequence targets. These threat mitigation plans are to be implemented when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists toward high-consequence rail targets or infrastructure. Within 60 days of enactment of the Act, a list of routes used to transport high hazard materials must be submitted to the Secretary. Within 180 days after receiving the notice of high consequence targets on such routes by the Secretary, each rail carrier must develop and submit a high hazard materials security threat mitigation plan to the Secretary. Any revisions must be submitted to the Secretary within 30 days of the revisions being made. The Secretary, with the assistance of the Secretary of Transportation, is directed to review and transmit comments on the plans to the railroad carrier. A railroad carrier must respond to those comments within 30 days. The plans would be required to be updated by the railroad carrier every two years. This section also defines the following terms: ''high-consequence target,'' ''catastrophic impact zone,'' and ''rail carrier.''

The Conference substitute adopts a modified version of the Senate provision that requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to publish a final rule for the transportation of hazardous materials that would require railroad carriers to compile commodity data of security sensitive materials and analysis of the safety and security risks for transportation routes of security sensitive materials. It also mandates that the final rule require that rail carriers that ship security-sensitive materials identify alternate routes, analyze the safety and security considerations of such alternative routes, and use such routes with the least safety and security risk when transporting security-sensitive materials. The Conference substitute requires that when railroads consider alternative routes, they consider the use of routes with interchange agreements.

Section 1552. Railroad Security Sensitive Material Tracking

There is no comparable House provision.

Section 1435 of the Senate bill requires the Secretary of Homeland Security, in consultation with TSA, to develop a program to encourage the equipping of rail cars transporting high hazard materials with communications technology that provides information concerning car position, depressurization, and the release of hazardous materials. This section also authorizes $3 million in funding for each of Fiscal Years 2008 through 2010 for the Secretary to carry out this section.

The Conference substitute adopts the Senate language with minor modifications.

Section 1553. Hazardous Materials Highway Routing

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Transportation, within one year of enactment of the Act, in consultation with the Secretary of Homeland Security, to: document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier and develop a framework by using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry; assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns; analyze current route-related hazardous materials regulations in the US, Canada, and Mexico to identify cross-border differences and conflicting regulations; document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes; prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials; develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials; transmit to the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Transportation and Infrastructure a report on the actions taken to fulfill all the requirements of this section and any recommended changes to the routing requirements for the highway transportation of hazardous materials.

Under Section 1442, within 1 year of the date of enactment, the Secretary of Transportation would be required to complete an assessment of the safety and national security benefits achieved under existing requirements for route plans for explosives and radioactive materials and shall submit a report to the appropriate Congressional Committees with the findings and conclusions of the assessment. The Secretary of Transportation is also directed to assess, and potentially require, the addition of certain high-hazardous materials to the list of existing hazardous materials that are required to be transported by motor carriers that use highway routing plans.

The Conference substitute adopts the Senate language with minor modifications.

Section 1554. Motor Carrier Security-Sensitive Material Tracking

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Homeland Security, through TSA, and in consultation with the Secretary of Transportation, to develop a program to facilitate the equipping of motor carriers transporting high hazard materials with communications technology that provides frequent or continuous communications, vehicle position and location and tracking capabilities, and an emergency broadcast capability. This section authorizes $7 million to carry out this section for each of Fiscal Years 2008 through 2010, of which $3 million per year may be used for equipment and $1 million per year may be used for operations.

The Conference substitute adopts the Senate language as modified. This section would require that the Secretary of Homeland Security, through the TSA, and in consultation with the Secretary of Transportation, develop a program to facilitate the deployment and use of tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. It retains the Senate provision authorization level amounts, but does not include the specific set-aside of a $1 million per year that may be used for operations.

The Conference expects that this program will help expand the use of technology that allows for continuous communication, position location and tracking, and emergency distress signal broadcasting, when such technologies can improve security without being overly burdensome, and that the provision will expand TSA's analysis of other tracking-related security technologies that could be beneficial to the security of hazardous materials truck shipments through the evaluation required under this section.

Section 1555. Hazardous Materials Security Inspections and Study

There is no comparable House provision.

Section 1444 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans within one year after the enactment of this Act. Failure by any covered person to comply with part 172, title 49, Code of Federal Regulations, within 180 days after being notified by the Secretary is punishable by a civil penalty. In reviewing compliance with part 172, the Secretary is required to utilize risk assessment methodologies to prioritize review and enforcement actions to the highest risk hazardous materials transportation operations. This section also requires the Secretary of Transportation, within one year, in coordination with the Secretary of Homeland Security, to study to what extent the insurance, security, and safety costs borne by carriers of hazardous materials are reflected in the rates paid by shippers of such commodities, as compared to those for the transportation of non-hazardous materials. Section 1444 authorizes $2 million each of Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. It directs the Secretary of Transportation, in consultation with the Secretary of Homeland Security to limit duplicative reviews of hazardous materials security plans required under part 172, title 49, Code of Federal Regulations. The Conference substitute retains the cost study from the original Senate provision.

Section 1556. Technical Corrections

There is no comparable House provision.

Section 1450 of the Senate bill corrects technical errors to section 5103a of title 49, United States Code, by inserting ''Secretary of Homeland Security'' in place of the term ''Secretary''. This section also clarifies that an individual with a valid transportation worker identification card has satisfied the background records check required under 5103a of title 49, United States Code. This section does not preempt State requirements on background checks required to receive a hazardous materials endorsement.

The Conference substitute adopts the Senate language with minor modifications to clarify the Department of Transportation and the Department of Homeland Security's roles in carrying out section 5103a of title 49, United States Code.

Section 1557. Pipeline Security Inspections and Enforcement

There is no comparable House provision.

Section 1449 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, to establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of

pipeline security plans and critical facility inspections. Section 1449 also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and implement a plan for reviewing pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002 Circular. In reviewing pipeline operators, the Secretary of Homeland Security and the Secretary of Transportation shall use risk assessment methodologies to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets. The section also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the regulations must incorporate the guidance provided to pipeline operators in the September 5, 2002 Circular and contain additional requirements as necessary based upon the results of inspections performed under this section. The regulations must also include the imposition of civil penalties for non-compliance. Finally, the provision authorizes appropriations of $2 million for Fiscal Years 2008 and 2009 for a pipeline security inspection and enforcement program.

The Conference substitute adopts the Senate provision, with modifications to the dates for program implementation, review, and issuance of regulations, an extension of the authorization to Fiscal Year 2010, and other changes.

With respect to pipelines, the Conference is aware that a portion of these critical facilities have been inspected, and do not expect re-inspections to be performed needlessly. The Conference expects the Secretary of Homeland Security and the Secretary of Transportation to inspect facilities that have not been inspected for security purposes since September 5, 2002, by either the Department of Transportation or the Department of Homeland Security, and to re-inspect those facilities which the Secretaries deem appropriate.

Section 1558. Pipeline Security and Incident Recovery Plan

There is no comparable House provision.

Section 1448 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration (PHMSA), to develop a pipeline security and incident recovery protocols plan. The plan must be developed in accordance with the Memorandum of Understanding Annex executed on August 9, 2006 and take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions. It also requires the Secretary of Homeland Security to transmit to Congress a report containing the plan, along with an estimate of the private and public sector costs to implement any recommendations.

The Conference substitute adopts the Senate provision with modifications, including the requirement that the incident recovery protocols plan be developed in accordance with the National Strategy for Transportation Security and Homeland Security Presidential Directive–7, in addition to the pipeline security annex to the Department of Homeland Security-Department of Transportation Memorandum of Understanding. Language was also added to require that the incident recovery protocol plan address the restoration of essential services supporting pipelines, such as electrical service.

TITLE XVI—AVIATION SECURITY

Section 1601. Airport Checkpoint Screening Fund

Section 403 of the House bill establishes an airport checkpoint screening fund to be funded in Fiscal Year 2008 with $250 million and expanded until exhausted for the procurement of explosives detection equipment at security checkpoints. These funds would be derived from the current Transportation Security Administration (TSA) security fee.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides the TSA Administrator with the authority to expend funds in FY 2008 for the purchase, deployment, installation, research, and development of equipment to improve security screening for explosives at commercial airport checkpoints.

The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) asserted that while more advanced screening technology is being developed, Congress should provide funding for, and TSA should move as expeditiously as possible to support, the installation of explosives detection trace portals or other applicable technologies at more of the nation's commercial airports. Advanced technologies, such as the use of non-intrusive imaging, have been evaluated by TSA over the last few years and have demonstrated that they can provide significant improvements in threat detection at airport passenger screening checkpoints for both carry-on baggage and the screening of passengers.

The Conference urges TSA to deploy such technologies quickly and broadly to address security shortcomings at passenger screening checkpoints. The Conference believes the best way to provide for the research and development of technologies and techniques that would prevent explosives from being placed onto passenger aircraft is to pilot these technologies at a diverse group of airports. The Conference directs the Secretary of Homeland Security (the Secretary) to give priority for these pilot projects to airports that have demonstrated their expertise as pilot sites and that have been selected by the TSA as ''model airports'' for the deployment of technology to detect explosives.

Section 1602. Screening of Cargo Carried Aboard Passenger Aircraft

Section 406 of the House bill requires 100 percent of cargo carried on passenger aircraft to be inspected no later than 3 years after the date of enactment. At a minimum, the inspection of such cargo should provide a level of security equivalent to the inspection of passenger checked baggage. The provision requires that the percent of such cargo that should meet these screening standards should be 35 percent by the end of Fiscal Year 2007, 65 percent by the end of Fiscal Year 2008, and 100 percent by the end of Fiscal Year 2009. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations; and within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to the Government Accountability Office (GAO) which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

Section 1462 of the Senate bill requires TSA to develop and implement a system, within 3 years of the date of enactment, to provide for the screening of all cargo being carried on passenger aircraft. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, the TSA is required to report to Congress, within 1 year, detailing the operations and, within 180 days, assessing exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It requires minimum standards for the screening of cargo on commercial passenger aircraft that must be commensurate with the level of screening for passenger checked baggage. The Conference substitute includes one benchmark; 50 percent of cargo on commercial passenger aircraft must be screened in 18 months and 100 percent screening achieved in the three years following the date enactment of the legislation. The Conference considers that if TSA were unable to meet the first benchmark, TSA would be required to give classified briefings, on a periodic and to be determined frequency, to the Senate Committee on Commerce, Science and Transportation and to the House Committee on Homeland Security, to explain the status of TSA's ability to maximize the screening of cargo on commercial personal aircraft without causing negative repercussions on the flow of commerce.

The Conference substitute also defines the term ''screening'' in order to clarify the requirements of the section and the methods of screening the TSA Administrator is permitted to use to screen cargo on commercial aircraft. The Conference notes that the use of the phrase ''physical search together with manifest verification'' denotes one method of screening, separate and apart from the other methods listed in this subsection, such as X-ray systems, etc. The Conference is also concerned about TSA using data checks of cargo or shippers, including a review of information about the contents of the cargo or verifying the identity of a shipper through a database, such as the Known Shipper database, as a single factor in determining whether cargo poses a threat to transportation security. The Conference substitute, therefore, requires that if such data checks are used, they must be paired with an additional physical or non-intrusive screening method approved by TSA that examines the cargo's contents.

If TSA does not submit a final rule to implement this program within one year after an interim final rule becomes effective, the Department of Homeland Security (the Department or DHS) will be required to submit status reports to the relevant Congressional Committees every 30 days until a final rule is issued. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations and, within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference believes that TSA should consider establishing a system whereby aviation ground service providers that perform cargo security screening services for passenger aircraft, are compensated for costs incurred as a result of increased cargo security requirements.

Section 1603. In-Line Baggage Screening

Section 401 of the House bill requires the submission of an overdue cost-sharing study on in-line explosive detection systems (EDS) installation within 30 days of enactment, along with the Secretary's analysis of the study, a list of provisions the Secretary intends to implement, and a plan and schedule for implementation.

Section 1465 of the Senate bill authorizes $450 million in discretionary funds for Fiscal Years 2008 through 2011 to fund the installation of in-line EDS at U.S. airports at a level approximate to the TSA's strategic plan for the deployment of such systems. It also requires the submission of an overdue cost-sharing study on in-line EDS installation within 30 days of enactment.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It authorizes funding through Fiscal Year 2028. It further requires the submission of a cost sharing study and an analysis of the study by the DHS Secretary within 60 days of enactment of the legislation.

Section 1604. In-Line Baggage System Deployment

There is no comparable House provision.

Section 1466 of the Senate bill mandates, through Fiscal Year 2028, the annual dedication of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. The provision also bolsters the existing Letter of Intent (LOI) program, through changes in funding allocation requirements and requiring the creation of a prioritization schedule for planned projects.

The Conference substitute adopts the Senate provision, as modified to require annual dedication, through Fiscal Year 2028, of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. Four-fifths of the annual allotment—not less than $200 million—must be committed to the completion of LOIs, while the remaining funds may be distributed in a discretionary manner to fund such projects, in a priority manner, at small and non-hub airports. It also promotes leveraged funding for such projects, and to permit airports that have incurred eligible costs to improve baggage screening at their facilities to pursue reimbursement of such costs from TSA.

The Conference strongly believes that this program should be managed as outlined in the legislation and that TSA and the Administration must have a 20-year horizon for the LOIs, rather than a limited short-term view which would have detrimental effects on the ability of airports to obtain requisite funding from the financial bond markets. The Conference believes that airports may not renegotiate previously agreed-upon Government contributions, through LOIs, or any other applicable arrangement, for in-line EDS systems.

Section 1605. Strategic Plan to Test and Implement Advanced Passenger Prescreening System

Section 409 of the House bill requires the Department, within 90 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explain the integration with international flights; and provide a projected timeline for testing and implementation its advanced passenger prescreening system.

Section 1472 of the Senate bill requires the Department, within 180 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explains the integration with international flights; and provides a projected timeline for testing and implementation its advanced passenger prescreening system. In addition, the provision requires that a report by the GAO be issued to Congress within 90 days of enactment. This report must describe progress made in implementing Secure Flight; the effectiveness of the appeals process; integration with the international flight pre-screening program operated by Customs and Border Protection (CBP); and other relevant observations.

The Conference substitute adopts the House and Senate provisions, as modified. The provision would require the Department, in consultation with TSA, to submit a strategic plan to Congress, within 120 days of enactment of the legislation, that includes timelines for testing and implementation of its advanced passenger prescreening system. In addition, a GAO report must be issued to Congress within 180 days to review, *inter alia*, the implementation of Secure Flight by the Department; the effectiveness of the appeals process; integration with the international flight pre- screening program operated by the CBP.

Section 1606. Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight

Section 407 of the House bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the ''No-Fly'' or ''Selectee'' watch lists. The Office of Appeals and Redress must establish a presence at each airport to begin the appeals process for those passengers wrongly identified against watch lists.

Section 1471 of the Senate bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the ''No-Fly'' or ''Selectee'' watch lists.

The Conference substitute combines the House and Senate provisions, as modified. It creates the Office in DHS to ensure an adequate appeal and redress process in place for passenger wrongly identified against watch lists, and to increase privacy protections for individuals. The provision requires Federal employees within DHS handling personally identifiable information (PII) of passengers to complete mandatory privacy and security training. In addition, the provision requires that DHS ensure that airline passengers are able to initiate the redress process at airports with a significant TSA presence.

Section 1607. Strengthening Explosives Detection at Passenger Screening Checkpoints

Section 404 of the House bill directs TSA to issue, within 7 days, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints.

Section 1470 of the Senate bill directs DHS to issue, within 90 days after enactment, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints. It also requires TSA to begin full implementation of the strategic plan within 1 year of its submission.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It directs DHS, in consultation with TSA, to issue a strategic plan for the deployment of explosives detection equipment at airport checkpoints within 30 days of enactment, and requires the TSA to begin implementation of the plan within 1 year of its submission.

Section 1608. Research and Development of Aviation Transportation Security Technology

There is no comparable House provision.

Section 1467 of the Senate bill extends an authorization for research and development spending for aviation security technology at a level of $50 million through Fiscal Year 2009.

The Conference substitute adopts the Senate provision, as modified to authorize research and development funding for aviation security technology at a level of $50 million through Fiscal Year 2011.

Section 1609. Blast-Resistant Cargo Containers

There is no comparable House provision.

Section 1463 of the Senate bill requires TSA to develop a system by which the Administrator provides blast-resistant cargo containers to commercial passenger air carriers for use, on a random or risk-assessed basis, as determined by the agency. The cargo containers must be acquired by TSA within 90 days of the agency's completion of development of the system.

The Conference substitute adopts the Senate provision, as modified. It requires TSA to evaluate and distribute a report to Congress and the air carrier industry that includes the results of its blast resistant cargo container pilot program. After reporting, TSA must develop and implement a program consistent with the results of the evaluation to acquire the necessary blast resistant cargo containers and make them available to air carriers on a risk-assessed basis, as determined appropriate by the Administrator.

Section 1610. Protection of Passenger Planes from Explosives

There is no comparable House provision.

Section 1464 of the Senate bill directs DHS to expedite research and development pilot projects that advance technology to protect passenger planes from the threat of explosive devices. It also requires the establishment of a grant program to fund projects the agency develops through this process, with an authorization for such sums as necessary for Fiscal Year 2008.

The Conference substitute adopts the Senate provision, as modified. It requires DHS, in consultation with TSA, to develop pilot projects that advance technology for protecting passenger planes from the threat of explosive devices and to establish a grant program to fund projects developed under the program with an authorization for fiscal year 2008.

Section 1611. Specialized Training

There is no comparable House provision.

Section 1469 of the Senate bill requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification.

The Conference substitute adopts the Senate provision. It requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification, to enhance the effectiveness of layered transportation security measures.

Section 1612. Certain TSA Personnel Limitation not to Apply

There is no comparable House provision.

To ensure that the agency is properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase, Section 1468 of the Senate bill removes the arbitrary hiring cap on Transportation Security Officers of 45,000 full-time equivalent (FTE) employees that is currently imposed on the TSA's screener workforce.

The Conference substitute adopts the Senate provision. It removes the arbitrary screener cap of 45,000 full-time equivalent (FTE) employees that is currently imposed

on the TSA's screener workforce so that the agency will be properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase.

Section 1613. Pilot Project to Test Different Technologies at Airport Exit Lanes

There is no comparable House provision. Section 1479 of the Senate bill establishes a pilot program to test new technologies for reducing the number of TSA employees at airport exit lanes, and requires the TSA Administrator to brief Congressional Committees, within 180 days, on the program, and provide a final report within 1 year.

The Conference substitute adopts the Senate provision, as modified. It directs TSA to conduct a pilot project, at no more than two airports, to identify technologies to improve security at airport exit lanes. The pilot program must ensure that the level of safety remains at, or above, the existing level of security at airports where the pilot program is initiated. TSA must brief appropriate Congressional Committees on the pilot program within 180 days of enactment on the pilot program, and provide a report on the program to those Committees within 18 months of the program's implementation. The provision also stipulates that this section shall be executed using existing funds.

Section 1614. Security Credentials for Airline Crews

There is no comparable House provision.

Section 1475 of the Senate bill mandates a report to Congress, within 180 days of enactment, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within 1 year after the report is submitted, and fully deploy the system within 1 year of the report's submission.

The Conference substitute adopts the Senate provision, as modified. It requires a report to Congress, within 180 days of enactment of the Act, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within one year after the report is submitted, and fully deploy the system within one year of the report's submission. In addition, the provision lists the appropriate Committees of jurisdiction in the provision's reporting requirements.

Section 1615. Law Enforcement Officer Biometric Credential

There is no comparable House provision.

Section 1477 of the Senate bill requires a credential or system that incorporates biometric and other applicable technologies to verify the identity of law enforcement officers seeking to carry a weapon on board an aircraft.

The Conference substitute adopts the Senate provision, as modified. It establishes, within 18 months of enactment, of a Federally managed, national registered armed law enforcement program for armed law enforcement officers traveling by commercial aircraft. It also requires that a report be submitted to Congress within 180 days of the program's implementation or a report explaining to Congress why the program has not been implemented with a further report every 90 days until the program becomes operational.

Section 1616. Repair Station Security

There is no comparable House provision.

Section 1473 of the Senate bill mandates that security rules be put in place at foreign aviation repair stations, within 90 days of passage of the Act, and that once security rules are established, each repair station be reviewed and audited within a 6–month period. If no action is taken within 90 days, the Administration will be prohibited from certifying any further foreign repair stations until such regulations are in place.

The Conference substitute adopts the Senate provision, as modified. It requires that security rules be put in place at foreign aviation repair stations within 1 year of passage and that any security rules established be reviewed and audited within a 6 month period. If no action is taken within 1 year, the Administration will be prohibited from certifying any foreign repair stations that are not presently certified or in the process of certification until such regulations are in place.

Section 1617. General Aviation Security

There is no comparable House provision.

Section 1474 of the Senate bill requires TSA to develop a standardized threat and vulnerability assessment program for general aviation (GA) airports within 1 year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis. TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. It further requires TSA to develop a program, within 6 months, under which foreign registered GA aircraft must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

The Conference substitute adopts the Senate provision. It requires TSA to develop a standardized threat and vulnerability assessment program for GA airports within one year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis.

TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. The provision requires TSA to develop a program, within six months, under which GA aircraft originating from a foreign location must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

Section 1618. Extension of Authorization for Aviation Security Funding.

Section 405 of the House bill provides an extension for aviation security funding through Fiscal Year 2011.

Section 1461 of the Senate bill provides an extension for aviation security funding through Fiscal Year 2009.

The Conference substitute combines the House and Senate provisions, as modified to extend aviation security funding through Fiscal Year 2011, corresponding to the time limits and other authorizations within the bill.

TITLE XVII—MARITIME CARGO

Section 1701. Container Scanning and Seals

Section 501 of the House bill prohibits a container from entering the United States unless the container is scanned and secured with a seal that uses the best available technology, including technology to detect any breach of the container and record the time of that breach. The Secretary of Homeland Security (the Secretary) must establish standards for scanning and sealing containers, and must review and revise those standards at least once every two years. This section requires all countries (those exporting 75,000 or more twenty-foot equivalent units (TEU)) scan and seal containers within three years of the date of enactment. All other countries must scan and seal container within five years. The Secretary may extend the deadline for a port by one year.

Section 905 of the Senate bill amends Section 232 of the SAFE Port Act of 2006 to require the Secretary develop a plan, which includes benchmarks, for scanning 100 percent of the containers destined for the United States using integrated scanning systems developed in the pilot program authorized in that section. It also requires that the plan incorporate existing programs, such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

The Conference substitute adopts the House provision, as modified. This provision amends Section 232 of the SAFE Port Act of 2006 to require full-scale implementation of the 100 percent scanning system pilot program required by that section no later than July 1, 2012. However, the Secretary is authorized to extend the deadline by two years, and may renew the extension in additional two-year increments, if the Secretary certifies to Congress that particular conditions can not be met. The provision provides a waiver for U.S. and foreign military cargo. It also requires the Secretary consult with other appropriate Federal agencies to ensure that actions taken under this section do not violate international trade obligations.

This substitute also amends section 204(a)(4) of the SAFE Port Act by requiring the Secretary to issue an interim rule to establish minimum standards and procedures for securing containers in transit to the United States not later than April 1, 2008. If the Secretary fails to meet that deadline, this section requires that effective October 15, 2008, and until such interim rule is issued, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers.

The Conference expects the Secretary to work with the Secretary of State, the United States Trade Representative, and other appropriate Federal officials to work with our international partners and international organizations such as the World Customs Organization to establish an international framework for scanning and securing containers.

The Conference is aware that the Department of Energy (DOE) has inherent capabilities to assess, through its cooperative agreements with numerous countries and port authorities, the adequacy of technical and operating procedures for cargo container scanning. To ensure smooth continuation of DOE's cooperative relationships with numerous countries and the further expansion of the Megavolts Second Line of Defense (SLEDDED) programs, the Conference expects that DHS and DOE shall closely coordinate their activities and consult prior to the establishment of technological or operational standards by the Secretary of Homeland Security. As part of the coordination requirement in this section, the Conference expects that where the scanning technology standards affect the DOE's Megavolts and SLEDDED programs, the Secretary shall invite the DOE to participate in the development and final review of such standards, and the Secretary of Homeland Security shall seek the concurrence of the Secretary of Energy.

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Section 1801. Findings

Section 1201 of the House bill contains findings and recommendations of the 9/11 Commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the recommendations of the 9/11 Commission.

The Conference notes that in late 2005 the members of the 9/11 Commission also made the following determinations: (1) The United States Government has made insufficient progress, and deserves a grade ''D'', on efforts to prevent weapons of mass destruction (W.D.) proliferation and terrorism. (2) The Cooperative Threat Reduction (CAR) Program has made significant accomplishments but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the Former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features. (3) Preventing the proliferation of W.D. and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the CAR Program. (4) Preventing terrorists from gaining access to W.D. must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly make this goal his top national security priority and ensure its fulfillment. (5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

Section 1802. Definitions

Section 1202 of the House bill defines terms used throughout Title XII of the House bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment to clarify the term ''items of proliferation concern'' and makes a further clarifying change.

Section 1811. Repeal and Modifications of Limitations on Assistance for Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1211 of the House bill repeals and modifies various conditions on assistance to former Soviet States under the Department of Defense Cooperative Threat Reduction (CAR) Program and the Department of Energy Defense Nuclear Nonproliferation programs. Section 1211 would also repeal the cap on Department of Defense CAR program assistance outside the former Soviet Union, with respect to prior year funds, as well as Department of Energy nonproliferation program assistance outside the former Soviet Union, while increasing oversight of such programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that removes the repeal and modification of various conditions on assistance to States outside the former Soviet Union under the Department of Energy nonproliferation programs; removes the repeal of the funding cap on Department of Defense CAR assistance outside the former Soviet Union; and makes a clarifying change.

The Conference notes that substitute is consistent with the recommendations of the 9/11 Commission regarding the need to expand, improve, and otherwise fully support the Department of Defense CAR Program and other efforts to prevent weapons of mass destruction proliferation and terrorism.

The Conference further notes that the National Defense Authorization Act for Fiscal Year 2008, as passed by the House of Representatives (Report 110–146, May 11, 2007) and the National Defense Authorization Act for Fiscal Year 2008, as reported by the Senate Armed Services Committee (Report 110–77, June 5, 2007) both address the matters contained in this provision, including the funding cap on Department of Defense CAR assistance outside the former Soviet Union, and the Conferees expect that any final national defense authorization act for Fiscal Year 2008, as enacted, will further address these matters.

Section 1821. Proliferation Security Initiative Improvements and Authorities

Section 1221 of the House bill expresses the sense of Congress that, consistent with the recommendations of the 9/11 Commission, the President should strive to expand and strengthen the Proliferation Security Initiative (PSI). Section 1221 also requires the Secretary of Defense, in coordination with the Secretary of State and the head of any other Federal Department or Agency involved with PSI-related activities, to submit to the Congressional defense Committees a defined budget for the PSI, beginning with the Department of Defense budget submission for fiscal year 2009. Section 1221 further requires the President to submit to the relevant Congressional Committees, not later than 180 days after the enactment of H.R.1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007), a report on the implementation of section 1221, including steps taken to implement the recommendations of the Government Accountability Office (GAO) in the September 2006 Report titled ''Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities''. Section 1221 also directs GAO to submit to Congress, beginning in fiscal year 2008, an annual report on its assessment of the progress and effectiveness of the PSI.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the scope of the sense of Congress; clarifies the annual budget submission; requires each budget submission to be accompanied by a report on PSI funding and activities; changes the GAO report to a biannual report for 2007, 2009 and 2011; and makes clarifying and technical changes.

The Conference recognizes that the annual budget request and the accompanying report for the PSI, required by the substitute, may not be fully inclusive of all funding required for PSI-related activities during the fiscal year for the budget request given unknown PSI-related activities that may arise throughout the fiscal year. However, the Conference expects the budget request and accompanying report to include all reasonably known obligations, costs and expenditures for PSI-related activities for the fiscal year of the budget request.

The Conference believes that in order to effectively expand and strengthen the PSI, the United States should work with the international community to strengthen the PSI under international law and other international legal authorities. It is important for the United States and other PSI partners to seek greater international recognition of the need to conduct PSI-related activities within certain international areas, so that international waters and airspace do not become ''transit sanctuaries'' for countries, terrorist organizations, and unscrupulous businesses and individuals seeking to transfer items of proliferation concern. One promising avenue could be to encourage the U.N.'s ''1540 Committee,'' which is charged with monitoring international compliance with United Nations Security Council Resolution 1540 promoting nonproliferation, to recognize and endorse the need and ability of PSI partners to monitor and, in appropriate circumstances, interdict such shipments.

Section 1822. Authority to Provide Assistance to Cooperative Countries

Section 1222 of the House bill authorizes the President to, notwithstanding any other provision of law, provide Foreign Military Financing, International Military Education and Training, and draw down of excess defense articles and services to any country, for a maximum of three years, that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry. Such assistance would be provided to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries. Such assistance could only be provided in accordance with existing procedures regarding reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Finally, this section prohibits the transfer of any excess defense vessel or aircraft to a country until reprogramming notice is made, if that country has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the authority and adds an exemption to the limitation on an excess vessel or aircraft transfer if such transfer does not involve significant military equipment and the primary use of the vessel or aircraft will be for counter-narcotics, counter-terrorism or counter-proliferation purposes.

The Conference intends that assistance provided pursuant to this section shall remain subject to all existing law regarding the authorities listed in subsection (b) of this section. Thus, for example, the normal Congressional notification and review procedures will apply, as well as limitations related to human rights or military coups.

Section 1831. Findings; Statement of Policy

Section 1231 of the House bill contains findings and a statement of policy regarding assistance to accelerate programs to prevent weapons of mass destruction proliferation and terrorism. Section 1231 emphasizes that it shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction proliferation and terrorism, and that such policy shall be implemented with concrete measures such as those described in Title XII of H.R. 1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007).

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the policy of the United States to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs,

and the implementation of such policy with concrete measures.

The Conference notes that certain U.S. threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and have therefore maintained unobligated and uncosted balances. Such obstacles have included lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles. The Conference also notes that although currently most Department of Defense Cooperative Threat Reduction and Department of Energy National Nuclear Security Administration nonproliferation programs are timely obligating and executing appropriated funds, the Department of Defense and the Department of Energy should ensure that this practice continues as such threat reduction and nonproliferation programs are accelerated, expanded and strengthened.

Section 1832. Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program

Section 1232 of the House bill authorizes to be appropriated to the Department of Defense Cooperative Threat Reduction (CAR) Program such sums as may be necessary for Fiscal Year 2007 for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate, expand and strengthen CAR Program activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to the Department of Defense CAR Program to Fiscal Year 2008; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for the Department of Defense CAR Program for Fiscal Year 2008.

Section 1833. Authorization of Appropriations for the Department of Energy Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Section 1233 of the House bill authorizes to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for Fiscal Year 2007 nonproliferation programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to Department of Energy National Nuclear Security Administration nonproliferation programs to Fiscal Year 2008; addresses specific purposes for any such authorization of appropriations in report language below; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for Department of Energy National Nuclear Security Administration nonproliferation programs for Fiscal Year 2008.

The Conference notes that high priority Department of Energy National Nuclear Security Administration nonproliferation programs that could use additional funding include:

(1) The Global Threat Reduction Initiative (GTRI), for (A) the Russian research reactor fuel return program; (B) conversion of research and test reactors from the use of highly enriched uranium to low-enriched uranium; (C) development of alternative low-enriched uranium fuels; (D) international radiological threat reduction, including security of vulnerable radiological sites, recovery and removal of unsecured radiological sources, and activities to address concerns and recommendations of the Government Accountability Office, in its report of March 13, 2007 titled ''Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries''; (E) emerging threats and sensitive nuclear materials not covered by other GTRI programs (''gap material''), including removal and disposal of highly-enriched uranium and plutonium, and development of mobile equipment that enables rapid-response teams to quickly secure and remove nuclear materials and denuclearize comprehensive nuclear weapons programs; and (F) United States radiological threat reduction, including development of alternative materials for radiological sources that could be used in a radiological dispersion device, known as a ''dirty bomb'', and securing and storing excess and unwanted domestic radiological sources within United States borders.

(2) Nonproliferation and International Security, to be used for (A) technical support to the six-party process on the denuclearization of the Democratic People's Republic of Korea; (B) application and deployment of technologies to detect weapons of mass destruction (W.D.) proliferation and verify W.D. dismantlement; (C) efforts to strengthen nuclear safeguards, including improved safeguards analysis capabilities for the International Atomic Energy Agency and research and development on the next generation of nuclear safeguards, and W.D. export control systems in foreign countries, including technical and other support to the International Atomic Energy Agency's efforts to build the capacity of countries to implement United Nations Security Council Resolution 1540; (D) training of border, customs and other officials in foreign countries to detect and prevent theft or other illicit transfer of W.D. or W.D.-related materials; (E) re-direction of displaced scientists and other personnel with expertise relating to W.D. research and development to sustained civil employment, including in Iraq, Libya and Russia; and (F) activities relating to the Proliferation Security Initiative (PSI) and other W.D. interdiction programs.

(3) International Materials Protection and Cooperation, to be used for (A) implementation of physical protection and material control and accounting upgrades at sites; (B) national programs and sustainability activities in Russia, including activities to address concerns and recommendations of the Government Accountability Office in its report of February 2007 titled ''Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain''; (C) material consolidation and conversion (including consolidation of excess highly-enriched uranium and plutonium into fewer more secure locations in Russia, and conversion of highly-enriched uranium to low-enriched uranium in Russia); and (D) deployment and support of radiation detection equipment at key ports of transit, and implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109–347), under the Second Line of Defense Megavolts program.

(4) Nonproliferation and Verification Research and Development, to be used for (A) development of technologies to detect and analyze activities relating to the global proliferation of W.D., including plutonium reprocessing, uranium enrichment, and special nuclear material movement; and (B) nuclear explosion monitoring, including improved nuclear material and debris analysis capabilities and research and development on improved domestic and world-wide nuclear material and debris collection capabilities.

Section 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1241 of the House bill establishes a Presidential Coordinator to improve the effectiveness of United States strategy and policies on weapons of mass destruction (W.D.) nonproliferation and threat reduction programs. The Coordinator's duties would include serving as the principal advisor to the President, formulating a comprehensive and well-coordinated U.S. strategy for preventing W.D. proliferation and terrorism, and coordinating inter-agency action on these matters. The Coordinator would also conduct oversight and evaluation of relevant programs across the government and develop a comprehensive budget for such programs. Section 1241 would also direct the Coordinator to consult regularly with the Commission on the Prevention of W.D. Proliferation and Terrorism, established under House section 1251, and to submit to Congress, for Fiscal Year 2009 and each fiscal year thereafter, an annual report on the strategic plan required under this section.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that strengthens the role of the Coordinator, by providing that the Coordinator may attend and participate in meetings of the National Security Council and the Homeland Security Council. It also makes clarifying and technical changes.

Section 1842. Sense of Congress on United States-Russia Cooperation and Coordination on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1242 of the House bill expresses a sense of Congress that the President should request the President of the Russian Federation to designate a Russian official having the authorities and responsibilities for preventing weapons of mass destruction (W.D.) proliferation and terrorism, commensurate with those of the U.S. Coordinator for these matters, established under House section 1241, and with whom the U.S. Coordinator would interact.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that expresses a sense of Congress that the President should engage Russia's President in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction and Terrorism; the authorities and responsibilities of the U.S. Coordinator; and the importance of strong cooperation between the U.S. Coordinator and a senior Russian official having authorities and responsibilities for preventing W.D. destruction and terrorism, and with whom the U.S. Coordinator would interact.

Section 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Section 1251 of the House bill establishes a Congressional—Executive Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1852. Purposes of Commission

Section 1252 of the House bill specifies that the purposes of the commission established in House section 1251 are to assess current United States and international nonproliferation activities and provide a comprehensive strategy and concrete recommendations for such activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1853. Composition of Commission

Section 1253 of the House bill specifies the composition of the commission established in House Section 1251, including the appointment of co-chairmen of the commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that creates one chairman of the commission, rather than co-chairmen, and makes other changes to membership structure. The substitute also specifies qualifications for commission members; and makes clarifying the technical changes.

Section 1854. Responsibilities of Commission

Section 1254 of the House bill specifies the responsibilities of the commission established under section 1251, including assessment of United States inter-agency coordination and commitments to international regimes. House Section 1254 also specifies that the commission shall reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'').

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1855. Powers of Commission

Section 1255 of the House bill specifies the powers and responsibilities of the commission established under section 1251 of that bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that authorizes staff for the commission.

Section 1856. Nonapplicability of Federal Advisory Committee Act

Section 1256 of the House bill specifies that the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the commission established under section 1251.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1857. Report

Section 1257 of the House bill requires, not later than 180 days after the appointment of the commission established under section 1251 of that bill, the commission to submit to the President and Congress a final report containing the commission's findings, conclusions and recommendations.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1858. Termination

Section 1258 of the House bill requires all authorities relating to the commission established under section 1251 to terminate 60 days after the date on which the commission's final report under House section 1257 is submitted.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

Section 1859. Funding

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that specifically authorizes such sums as may be necessary for the purposes of the activities of the Commission under this title.

TITLE XIX—INTERNATIONAL COOPERATION OF ANTITERRORISM TECHNOLOGIES

Section 1901. Promoting Antiterrorism Capabilities through International Cooperation

There is no comparable House provision. However, the House has twice passed legislation to establish a Science and Technology Homeland Security International Cooperative Programs Office (Office). Specifically, the House passed H.R. 4942 during the 109th Congress, and H.R. 884, a slightly modified version of H.R. 4942, during the 110th Congress.

Section 1301 of the Senate bill directs the Department of Homeland Security's (Department) Under Secretary for Science and Technology (S&T) to establish the Science and Technology Homeland Security International Cooperative Programs Office. The purpose of the Office is to facilitate the planning, development, and implementation of international cooperative activities, such as joint research projects, exchange of scientists and engineers, training of personnel, and conferences, in support of homeland security.

The Conference substitute adopts the Senate provisions, with minor modifications.

The Conference substitute directs the Under Secretary for S&T to establish an Office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments. The Office, located within the Department's S&T Directorate, is responsible for: promoting cooperative research between the United States and its allies on homeland security technologies; developing strategic priorities for international cooperative activity and addressing them through agreements with foreign entities; facilitating the matching of U.S. entities engaged in homeland security research with appropriate foreign research partners; ensuring funds and resources expended for international cooperative activity are equitably matched; and coordinating the activities of the Office with other relevant Federal agencies. This provision also requires the Office to submit a report every five years to Congress on the S&T Directorate's international cooperative activities.

This provision also directs the Department to identify critical knowledge and technology gaps, if any, and establish priorities for international cooperative activities to address such gaps. The Department shall coordinate with other appropriate research agencies in order to avoid creating redundant activities. Specifically, it is understood that this new office must coordinate its activities with the Department of State and shall not infringe on the Department of State's role as the agency with primary responsibility within the Executive Branch for coordination and oversight over all major science or science and technology agreements and activities between the United States and foreign countries, in accord with Title V of the Foreign Relations Authorization Act, Fiscal Year 1979. Further, any international agreements that the Department wishes to negotiate and conclude in support of international cooperative activity relating to homeland security would be subject to the Case-Zablocki Act (1 U.S.C. §112b).

Section 1902. Transparency of Funds

There is no comparable House provision.

Section 1302 of the Senate bill requires the Director of the Office of Management and Budget to ensure that all Federal grants expended by the Office are done so in compliance with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282).

The Conference substitute adopts the Senate provision.

TITLE XX—INTERNATIONAL IMPLEMENTATION

Section 2001. Short Title

The Conference substitute provides that Title XX of the Act may be cited as the ''9/11 Commission International Implementation Act of 2007.''

Section 2002. Definitions

Section 1402 of the House bill contains the definitions applicable to Title XIV.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified.

Section 2011. Findings; Policy

Section 1411(a) of the House bill contains Congressional findings.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes the importance of education that teaches tolerance and respect for different beliefs as a key element in eliminating Islamic terrorism. The findings note that the National Commission on Terrorist Attacks Upon the United States concluded that ensuring education opportunity is essential to U.S. efforts to defeat global terrorism and recommended that the United States join other nations in providing funding for building and operating primary and secondary schools in Muslim countries where the Governments of those Countries commit to sensibly investing financial resources in public education. The findings also note that despite Congressional endorsement in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program was not established. They also declare that it is United States policy: to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries; to join with other countries in supporting the International Muslim Youth Opportunity Fund; to offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries; and to work to prevent financing of education institutions that support radical Islamic fundamentalism.

Section 2012. International Muslim Youth Opportunity Fund

Section 1412 of the House bill amends section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by establishing an International Muslim Youth Opportunity Fund.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose is to strengthen the public educational systems in predominantly Muslim countries by authorizing the establishment of an International Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in predominantly Muslim countries. The new section authorizes the establishment of an International Muslim Youth Opportunity Fund as either a separate

fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for Fiscal Years 2008, 2009 and 2010 to carry out these activities. This subsection also authorizes the President to carry out programs consistent with these objectives under existing authorities, including the Mutual Educational and Cultural Exchange Act. This subsection requires the President to prepare a report to Congress on the United States efforts to assist in the improvement of education opportunities for Muslim children and youths as well as the progress in establishing the International Muslim Youth Opportunity Fund.

Section 2013. Annual Report to Congress

Section 1413(a) of the House bill directs the Secretary of State to prepare an annual report.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare an annual report, not later than June 1 of each year until December 31, 2009, on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism. It also provides the requirements for the annual report.

Section 2014. Extension of Program to Provide Grants to American Sponsored Schools in Predominantly Muslim Countries

Section 1414(a) of the House bill extends a program to provide grants to American sponsored schools in predominantly Muslim Countries.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings regarding the pilot program established by section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). It also states that this program for outstanding students from lower-income and middle-income families in predominantly Muslim countries is being implemented. It also provides for amendments to that section to extend the program for Fiscal Years 2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

Section 2021. Middle East Foundation

Section 1421(a) of the House bill deals with the Middle East Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose of this section which is to support in the countries of the broader Middle East region, the expansion of civil society, opportunities for political participation of all citizens, protections for internationally recognized human rights; educational reforms; independent media, policies that promote economic opportunities for citizens; the rule of law; and democratic processes of government. It authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. It also requires the Middle East Foundation to award grants to persons located in the broader Middle East region or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. It also establishes the private nature of the Middle East Foundation. It prevents the funds provided to the Foundation from benefitting any officer or employee of the Foundation, except as salary or reasonable compensation for services. It also provides that the Foundation may hold and retain funds provided in this section in interest-bearing accounts. The Conference substitute requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This subsection also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. It defines the geographic scope of this section. It also repeals section 534(k) of Public Law 109–102.

Section 2031. Advancing United States Interests Through Public Diplomacy

Section 1431(a) of the House bill deals with advancing U.S. interests through public diplomacy.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains a finding that the National Commission on Terrorist Attacks Upon the United States stated that the U.S. government initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of improving communications with significant Muslim populations. It amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad. The provision also authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to provide information on the use of this authority, as part of an existing annual report to the President and Congress.

Section 2032. Oversight of International Broadcasting

There is no comparable House provision.

Section 1913 of the Senate bill requires the Board of Broadcasting Governors to transcribe into English all broadcasts by Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, Radio Farad, Radio Saw, Alhurra, and the Office of Cuba Broadcasting.

The Conference substitute is a narrower version of the Senate provision. It requires the Broadcasting Board of Governors to initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farad, Radio Saw, the Persia Service of the Voice of America, and Alhurra. It also provides that this transcription shall consist of random sampling and that the transcripts shall be made available to Congress and the public. In addition, it contains a reporting requirement and authorizes $2 million in appropriations for this pilot project.

Section 2033. Expansion of United States Scholarship, Exchange, and Library Programs in Predominantly Muslim Countries

Section 1433(a) of the House bill directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States,

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. It provides for the termination of the duty to report when the certification pursuant to subsection (a) has been submitted.

Section 2034. U.S. Policy Toward Detainees

Section 1434 of the House bill deals with detainees.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings that the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that a number of U.S. allies are conducting investigations related to treatment of detainees and the Secretary of State has launched an initiative to address the differences between the United States and its allies. It expresses the sense of Congress that the Secretary of State should continue to build on the efforts to engage U.S. allies in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorism operations. It also requires that the Secretary keep the appropriate Congressional Committees fully informed of the developments of these discussions and requires a report on the progress made 180 days after enactment of this Act.

Section 2041. Afghanistan

Section 1441 of the House bill relates to Afghanistan.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes Congressional findings, including that a democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism; that following the ouster of the Taliban regime in 2001, the Government of Afghanistan has achieved some notable successes; that there continue to be factors that pose a serious and immediate threat to the stability of Afghanistan; and that the United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan. It declares that it is the United

States policy to vigorously support the Government and people of Afghanistan with assistance and training, particularly in strengthening government institutions, as they continue to commit to the path toward a government representing and protecting the rights of all Afghans.

Moreover, the Conference substitute declares that the United States shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan. This section also states that the President shall engage aggressively with the Government of Afghanistan and NATO to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counter-narcotics operations. In addition, this subsection declares that the United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan. This provision makes it a statement of Congress that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated. It also directs the President to make increased effort to improve the capability and effectiveness of police training programs, including, if appropriate, by dramatically increasing the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection.

Section 2042. Pakistan

Section 1442 of the House bill relates to Pakistan's commitment to fighting terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings describing the Government of Pakistan's commitment to combating international terrorism and the critical issues threatening to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan. The findings also describe the publicly stated goals of Pakistan and their close agreement with the national interests of the United States and the opportunity for a shared effort in achieving correlative goals. This provision also declares that it is the policy of the United States to work with the Government of Pakistan to maintain its long-term strategic relationship; to combat international terrorism; to end the use of Pakistan as a safe haven for forces associated with the Taliban; to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State; to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic State; to facilitate greater cooperation between the Governments of Afghanistan and Pakistan; and to work with the Government of Pakistan to prevent the proliferation of nuclear technology.

The Conference substitute requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. This section also prohibits the provision of United States security assistance to Pakistan for Fiscal Year 2008 until the President determines that the Government of Pakistan is committed to eliminating the Taliban from operating in areas under its sovereign control, is undertaking a comprehensive campaign to accomplish this goal, and is making demonstrated, significant, and sustained progress towards eliminating support or safe haven for terrorists, and requires the President to submit a justification for any such determination made.

Moreover, the Conference substitute provides a sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long- term strategy to improve the United States relationship with Pakistan and works with Pakistan to stop nuclear proliferation. It also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts. This subsection also states that the determination of the level of funds authorized to be appropriated be determined by the degree to which the Government of Pakistan makes progress in preventing terrorist organizations from operating in Pakistan and in implementing democratic reforms and respecting the independence of the press and the judiciary. In addition, it requires a report to be submitted by the Secretary of State describing the degree to which such progress has been made. It also extends waivers of foreign assistance restrictions with respect to Pakistan through the end of Fiscal Year 2008 and includes a sense of Congress that extensions of these waivers beyond Fiscal Year 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

Section 2043. Saudi Arabia

Section 1443 of the House bill contains Congressional findings that the Kingdom of Saudi Arabia.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists. This section also expresses a sense of Congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. In addition, the Conference substitute requires a report on United States long-term strategy to engage with the Saudi Government to facilitate reform, to combat terrorism and to provide an assessment on Saudi progress to becoming a party to the International Convention for the Suppression of the Financing of Terrorism and on the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

TITLE XXI—ADVANCING DEMOCRATIC VALUES

Section 2101. Short Title

Section 2101 of the Senate bill states that this title may be referred to as the, ''Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007,'' or the ''ADVANCE Democracy Act of 2007.''

There is no comparable House provision.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

Title XXI, which was title XIX of the Senate bill and has no comparable House provision other than section 1421 of the House bill, comprises the ADVANCE Democracy Act of 2007, which gives statutory standing to the U.S. framework to strengthen and institutionalize U.S. support for the promotion of democratic principles and practices worldwide. Since the President's speech at the National Endowment for Democracy on November 6, 2003, and his second inaugural address on January 20, 2005, the Department of State has been taking steps to strengthen U.S. Government democracy promotion programs. The Conference recognizes that there are already a number of experienced and dedicated career State Department officials who focus their talents and energy on democracy promotion. The Conference believes these efforts could be strengthened by further institutionalizing the focus on the protection of human rights and the promotion of democracy. In this sense, the ADVANCE Democracy Act represents Congressional support for the President's commitment to democracy promotion and the Secretary of State's ongoing efforts to change the State Department through the ''Transformational Diplomacy Initiative.'' The Conference intends that the Act will contribute to making democracy promotion a core element of U.S. foreign policy well beyond the time when the President's term of office has been completed.

The Conference substitute adopts the Senate provisions, with amendments. The ADVANCE Democracy Act of 2007: (1) establishes new Democratic Liaison Officers and requires the Secretary to identify at least one office responsible for supporting the new officers and providing liaison with both U.S. and foreign non-governmental organizations; (2) endorses long-term strategies for democracy promotion and human rights protection for non-democratic and democratic transition countries; (3) requires the Secretary to continue to enhance training on democracy promotion and human rights protection for members of the Foreign Service and other State Department employees; (4) supports incentives for employees who excel in democracy promotion and human rights protection; (5) encourages Ambassadors and other members of the Foreign Service to reach out to foreign audiences and engage robustly with foreign government officials, media, non-governmental organizations, and students in order to engage in discussions about U.S. foreign policy, in particular democracy and human rights; (6) supports efforts to work on democracy promotion through international institutions, such as the UN Democracy Fund and the Community of Democracies, and in cooperation with other countries.

The ADVANCE Democracy Act of 2007 represents several years of discussion with outside activists, democracy practitioners, and the Department of State. It seeks to bridge the differences between individuals and nongovernmental organizations that focus on the promotion of democracy and those that focus on the protection of human rights. The Conference believes that the work of these two groups of reform advocates is mutually reinforcing.

Section 2102. Findings

There is no comparable House provision.

Section 1902 of the Senate bill contains Congressional findings describing the need to promote democracy throughout the world. The findings note that the development of universal democracy constitutes a long-term challenge that goes through unique phases at different paces in individual countries. It requires reforms that go well beyond the holding of free elections to include, among other institutions, a thriving civil society, a free media, and an independent judiciary. The

findings state that the development of democracy must be led from within countries themselves. This section also recognizes that democracy and human rights activists are under increasing pressure from authoritarian regimes and, in some cases, the governments of democratic transition countries. While recognizing that individuals, non-governmental organizations, and movements in nondemocratic and democratic transition countries must take the lead in making their own decisions, the findings state that democratic countries have a number of instruments to support such reformers and should cooperate with each other to do so.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

Section 2103. Statement of Policy

There is no comparable House provision.

Section 1903 of the Senate bill declares that it is United States policy: To promote freedom, democracy and human rights as fundamental components of United States foreign policy; to promote democratic institutions, including an independent judiciary, an independent and professional media, strong legislatures and a thriving civil society; to provide appropriate support to individuals, non- governmental organizations, and movements living in nondemocratic countries and democratic transition countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the statement of policy in this section.

Section 2104. Definitions

There is no comparable House provision.

Section 1904 of the Senate bill provides definitions for use in this title.

The Conference substitute adopts the Senate provision, with an amendment adding or revising several definitions, particularly by adding a definition of Nondemocratic or Democratic Transition Country.

SUBTITLE A—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

Section 2111. Democracy Promotion at the Department of State

There is no comparable House provision.

Section 1911 of the Senate bill provides for the establishment of Democracy Liaison Officers. It describes the responsibilities of the Democracy Liaison Officers and indicates that these positions should be in addition to, and not in replacement of, other positions. Section 1911 also provides that nothing in this subsection may be construed as affecting Chief of Mission authority under any provision of law, including the President's direction to Chiefs of Mission in the exercise of the President's constitutional responsibilities.

The Conference report adopts the Senate provision, with an amendment.

In addition to the Democracy Liaison Officers described above, the Conference substitute requires that the Secretary of State identify at least one office in the Bureau of Democracy, Human Rights, and Labor (DRL) responsible for working with democratic movements and facilitating the transition of countries to democracy, including having at least one employee in each office specifically responsible for working with such movements. This section provides for the identification of such an office; describes the responsibilities of the Assistant Secretary for DRL in this regard, which may be exercised through this office; and provides that the Assistant Secretary shall identify officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy.

The Conference substitute also describes actions that Chiefs of Missions should take to promote democracy. It provides for the development of a strategy to promote democracy in nondemocratic or democratic transition countries and to provide support to non-governmental organizations, individuals and movements in such countries that are committed to democratic principles, practices, and values. It also provides for meetings with leaders of nondemocratic and democratic transition countries regarding progress toward a democratic form of governance, encourages chiefs of missions to conduct meetings with civil society, interviews with media and discussions with students and young people regarding democratic governance.

Moreover, the Conference substitute provides that the Secretary of State should seek to increase the proportion of DRL's non-administrative employees who are members of the Foreign Service and authorizes such sums as may be necessary to carry out the provision.

The Conferees believe that the Democracy Liaison Officers provided for in subsection (a) of the Conference substitute should be selected with the concurrence of the Assistant Secretary of Democracy, Human Rights and Labor in order to ensure that appropriate individuals are put in those posts. The Conferees also believe that more senior officials at posts where there are significant human rights abuses should also be selected with input from the Assistant Secretary for DRL.

The Conferees note that the Department of State, as part of its Transformational Diplomacy Initiative, intends to reduce or eliminate labor officers in posts abroad. While not objecting to normal rotations and assignments designed to meet the Secretary of State's priorities and reflect the changing needs of host countries, the Conferees are concerned that eliminating such positions would signal an abandonment of the core consensus that has existed since the 1980's that the promotion of democracy includes the promotion of the freedoms of association and organization by laborers.

The Conferees observe that activists in other countries sometimes are not sure whom to contact at the Department of State to discuss local democracy and human rights issues; thus, the Conferees intend that the Secretary of State have discretion to either create a new office for this purpose or to identify one or more existing offices with regional expertise to be the points of contact for such activists. With respect to the officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy, as identified by the Assistant Secretary for DRL, the Conferees expect that such individuals would serve in the office or offices identified pursuant to subpart (b)(1).

Finally, the Conferees believe that encouraging a greater number of members of the Foreign Service to serve in DRL will enhance democracy promotion.

Section 2112. Democracy Fellowship Program

There is no comparable House provision.

Section 1912 of the Senate bill, requested by the Department of State, provides for a program to obtain an additional perspective on democracy promotion abroad by working with appropriate Congressional offices and Committees and in non-governmental and international organizations involved in democracy promotion.

The Conference substitute adopts the Senate provision, with an amendment making some minor and conforming changes.

Section 2113. Investigations of Violations of International Humanitarian Law

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a compromise provision, regarding violations of international humanitarian law by nondemocratic countries. This section requires the President to collect information regarding incidents that may constitute crimes against humanity, genocide and other violations of international humanitarian law. It requires that the President consider what actions he can take to hold governments and responsible individuals accountable.

Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy

Section 2121. Strategies, Priorities and Annual Report

Section 1421 of the House bill provides a statement of policy on the importance of promoting democracy human rights and requires country-by-country strategies to address the elements in the statement of policy.

Section 1921 of the Senate bill changes the title of an existing annual report, ''Supporting Human Rights and Democracy'' (SHRD), which was required by the amendments made by section 665 of the Foreign Relations Authorization Act of 2003, to ''Annual Report on Advancing Freedom and Democracy'' and changes the date on which that report needs to be submitted.

The Conference substitute adopts the Senate provision, with an amendment adding features of section 1421 of the House bill and expanding the provisions of the Senate amendment. It addresses the need for long-term strategies for the promotion of democracy in nondemocratic and democratic transition countries. This section commends the Secretary of State for the ongoing country-specific strategies to promote democracy and requires the Secretary of State to expand the development of country-specific strategies to all nondemocratic and democratic transition countries. It also provides that the Secretary of State shall keep the appropriate Congressional Committees fully and currently informed as strategies are developed.

The Conference substitute also provides that the report shall include, as appropriate, United States: (1) priorities for the promotion of democracy and the protection of human rights for each non democratic country and democratic transition country, developed in consultation with relevant parties in such countries; and (2) specific actions and activities of Chiefs of Missions and other U.S. officials to promote democracy and protect human rights. This section also extends the due date of the Annual Report.

The Conferees believe that the Department of State's process for implementing subpart (a)(2) should incorporate both short-term objectives and a long-term approach to democratization. The Conferees intend for the Department of State to fulfill the requirement of keeping the appropriate Congressional Committees informed by briefing the Committees, upon request, in addition to any hearings that Congress may conduct.

The Conferees observe that the existing SHRD Report all too often reflects a catalogue of program activities of the U.S. Government over the past year without context or a demonstration of what leadership the

top U.S. representative is exercising in the area of democracy promotion and human rights protection. Also, the Report contains some country sections where both U.S. priorities for assistance and actions by U.S. officials are included. The Conferees expect that such inconsistencies will be addressed by including both components for each country described in the Report.

Section 2122. Translation of Human Rights Reports

There is no comparable House Provision.

Section 1932 of the Senate bill requires the Secretary of State to continue to expand the translation of various human rights reports.

The Conference substitute adopts the Senate provision, with an amendment making the translations mandatory and making other minor changes to the Senate language.

The Conferees believe that the value of these reports will be significantly enhanced if they are available in the language of the country about which they are written. The Conferees do not intend that the entire contents of all reports be translated. Rather, the general overview and the country-specific sections should be translated into the major languages of each country. The Conferees recognize that the Department of State's current focus is on the annual Country Reports on Human Rights Practices required by the Foreign Assistance Act. However, the Conferees believe that translation of the other reports referred to in this section would further expand the impact of the U.S. Government's work on democracy and human rights.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

Section 2131. Advisory Committee on Democracy Promotion

There is no comparable House provision.

Section 1931 of the Senate bill expresses the sense of Congress commending the Secretary of State for establishing the Advisory Committee on Democracy Promotion and expresses the hope that the Committee will play a significant role in transformational diplomacy by advising the Secretary of State on all aspects of democracy promotion, including improving the capacity of the Department of State and U.S. foreign assistance programs.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

Section 2132. Sense of Congress Regarding the Internet Website of the Department of State

There is no comparable House provision.

Section 1932 of the Senate bill expresses the sense of Congress that the Secretary of State should take additional steps to enhance the Internet website for global democracy to facilitate access by individuals and non-governmental organizations in foreign countries to documents and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy. This website is intended to be an address where democracy activists from around the world can obtain or be linked to information on conditions in their country, materials on successful democracy movements elsewhere and tactics for peaceful democratic change, and other groups around the world that engage in similar struggles for freedom. The website should also include parts of other relevant human rights reports, including translations where appropriate, such as the annual Country Reports on Human Rights Practices, the annual Religious Freedom Report, and the annual Report on Trafficking in Persons.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

Subtitle D—Training in Democracy and Human Rights; Incentives

Section 2141. Training in Democracy Promotion and Protection of Human Rights

There is no comparable House provision.

Section 1941 of the Senate bill provides that the Secretary of State should continue to enhance training on democracy promotion and the protection of human rights for members of the Foreign Service and that such training should include case studies and practical workshops.

The Conference substitute adopts the Senate provision, with an amendment. Pursuant to the amendment, the Secretary of State is required to continue to enhance training on democracy promotion and the protection of human rights and provides that the training shall include appropriate instruction and training materials regarding: (1) international documents and U.S. policy regarding electoral democracy and respect for human rights, including trafficking in persons; (2) U.S. policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries; (3) ways to assist individuals and nongovernmental organizations that support democratic principles, practices, and values for any member, Chief of Mission, or deputy Chief of Mission who is to be assigned to a non-democratic or democratic transition country; and (4) the protection of internationally recognized human rights, including the protection of religious freedom and the prevention of slavery and trafficking in persons. Section 1941 also provides that the Secretary of State shall consult as appropriate with non-governmental organizations with respect to the training required in this section, and provides for a one-time report on how this section is being implemented.

The Conference notes that the Department of State is working with members of the Community of Democracies on a training manual relating to democracy promotion, which may prove useful in the training efforts described in this section. Such instruction may include: techniques for conducting discussions with political leaders of such country regarding United States policy with respect to promoting democracy in foreign countries; treatment of opposition and alternatives to repression; techniques to engage civil society, students and young people regarding U.S. policy on democracy and human rights; methods of nonviolent action and the most effective manner to share such information with individuals and non-governmental organizations; and the collection of information regarding violations of internationally-recognized human rights in coordination with non-governmental human rights organizations, violations of religious freedom, and government-tolerated or condoned trafficking in persons.

The Conference understands that certain training courses already include some human rights training. However, the Conference expects that the scope and content will be updated and expanded as part of the Secretary of State's Transformational Diplomacy Initiative and that continuous improvements will be made well into the future.

Section 2142. Sense of Congress Regarding Advance Democracy Award

There is no comparable House provision.

Section 1942 of the Senate bill expresses the sense of Congress that the Secretary of State should further strengthen the capacity of the Department of State to carry out results-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award to be known as the ''Outstanding Achievements in Advancing Democracy Award'', or the ''ADVANCE Democracy Award'', and should establish procedures regarding such awards.

The Conference substitute adopts the Senate provision.

Section 2143. Personnel Policies at the Department of State

There is no comparable House provision.

Section 1943 of the Senate bill expresses the sense of Congress that precepts for promotion for members of the Foreign Service should include consideration of a candidate's experience or service in the promotion of human rights and democracy.

The Conference substitute adopts the Senate provision, with an amendment to add suggested mechanisms for creating incentives. It provides that in addition to other awards, such as the award described in section 1942 in that bill, the Secretary of State should increase incentives for members of the Foreign Service and other State Department employees to serve in assignments that have as their primary focus the promotion of democracy and the protection of human rights, including awarding performance pay to members of the Foreign Service, considering whether a member of the Service serving in such assignments as a basis for promotion into the Senior Foreign Service, and providing for Foreign Service Awards.

Subtitle E—Cooperation with Democratic Countries

Section 2151. Cooperation with Democratic Countries

There is no comparable House provision.

Section 1951 of the Senate bill expresses the sense of Congress that the United States should forge alliances with other democratic countries to promote democracy, protect fundamental freedoms around the world, promote and protect respect for the rule of law, pursue common strategies at international organizations and multilateral institutions and provide support to countries undergoing democratic transitions. Section 1951 of the Senate bill also supports the initiative of the Government of Hungary establishing the International Center for Democratic Transition.

The Conference substitute adopts the Senate provision, with an amendment making substantive and technical changes. The Conference substitute expresses the sense of Congress that the Community of Democracies should establish a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with an appropriate staff and should establish a headquarters. The Conference substitute authorizes the Secretary of State to detail personnel to such a secretariat or any country that is a member of the Convening Group of the Community of Democracies and provides that the Secretary of State should establish an office of multilateral democracy promotion to address the Community of Democracies, pursue initiatives coming out of the UN Democracy Caucus, and enhance the UN Democracy Fund. The Conference substitute also authorizes an appropriation of $1,000,000 for each of Fiscal Years 2008, 2009, and 2010 to the Secretary of State for a grant to the International Center for Democratic Transition and provides additional guidance as to the purposes of the Centers work, including providing grants or voluntary contributions to develop, adopt, and pursue programs and campaigns to promote the peaceful transition to democracy in non-democratic countries.

Subtitle F—Funding for Promotion of Democracy

Section 2161. The United Nations Democracy Fund

There is no comparable House provision.

Section 1961 of the Senate bill expresses the sense of Congress that the United States should continue to contribute to and work with other countries to enhance the goals and work of the UN Democracy Fund.

The Conference substitute adopts the Senate provision, with an amendment adding an authorization for the UN Democracy Fund. It authorizes $14,000,000 for a United States contribution to the Fund for each of the Fiscal Years 2008 and 2009, as requested by the President.

Section 2162. United States Democracy Assistance Programs

There is no comparable House provision.

Section 1962 of the Senate bill states the sense of Congress that the purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world. Section 1962 of the Senate bill provides findings reflecting that democracy assistance has many different forms and there is a need for greater clarity on the coordination and delivery mechanisms for U.S. democracy assistance. It also provides that the Secretary of State and the Administrator of the U.S. Agency for International Development (USAID) should develop guidelines, in consultation with the appropriate Committees of Congress, to clarify for U.S. diplomatic and consular missions abroad the need for coordination and the appropriate mix of delivery mechanisms for democracy assistance.

The Conference substitute adopts the Senate provision, with an amendment including minor and technical amendments and adding a sense of Congress regarding mechanisms for delivering assistance. The Conference substitute provides that United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department of State, and expresses the view that the Human Rights and Democracy Fund (HRDF), established pursuant to the Freedom Investment Act of 2002, should continue to be used for innovative approaches to promoting democracy and human rights. It also addresses the different mechanisms that are used to define the relationship between the U.S. Government and organizations that deliver services or materials to foreign individuals or communities.

The Conference believes that the HRDF should remain a flexible instrument to exploit emerging opportunities while at the same time be managed in a cost-effective way and coordinated at the country-level to complement the mix of other democracy assistance being provided.

The U.S. Government works with a variety of organizations, including non-profit groups such as non-governmental organizations and private and voluntary organizations, and provides them with government funding to carry out U.S. foreign assistance goals. The government also hires for-profit private sector companies to implement foreign assistance programs. The use of such companies has been growing over the last 15 years. In general, as in other areas of government procurement, the use of contracts, cooperative agreements, and grants are the three main acquisition mechanisms through which agreement is reached on appropriate benchmarks for success, the level of U.S. government funding that will be spent, and the specific programs and projects to be undertaken.

In the democracy field, there are a number of U.S. Government entities that manage programs. The Democracy, Human Rights and Labor Bureau at the State Department oversees a large number of programs. The Coordinator's office for the Independent States of the Former Soviet Union oversees programs carried out through the Freedom Support Act. The Middle East Partnership Initiative, also managed by the State Department, promotes democracy and other development priorities in the Middle East. For its part, USAID has a specialized unit focused on providing democracy and governance assistance worldwide. Because of a constrained operating budget that limits permanent staff, USAID has increasingly relied on contract mechanisms, although it continues to use grants and cooperative agreements. The National Endowment for Democracy also provides extensive assistance worldwide. More recently, a Millennium Challenge Corporation (MCC) threshold program is providing electoral reform assistance in Jordan.

Non-profit organizations sometimes apply for and receive funding from several or all of these U.S. Government entities, most often through grants and cooperative agreements and sometimes through contracts. Private sector companies work almost exclusively through contracts. Both private sector and non-profit organizations bring unique strengths to the effort. Private sector companies have the ability to hire employees with specialized skills to provide technical assistance on a short-notice basis. Non-profit organizations often develop longer-term contacts in the field, country expertise, and have revenue sources other than U.S. Government funding that allows for a more sustained approach to underlying problems. With this multitude of actors, mechanisms, and foreign assistance ''spigots,'' and given the characteristics of such actors, the Conference requests that the Secretary of State and the Administrator of USAID develop appropriate guidelines to assist U.S. missions in their efforts to coordinate democracy assistance in-country and select appropriate mechanisms for its effective implementation.

TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS

Section 2201. Interoperable Emergency Communications

There is no comparable House provision.

Section 1481(a) of the Senate bill generally amends Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109–171) (DRA) by deleting statutory language that currently limits funding to systems that either use, or interoperate with systems that use, public safety spectrum in the 700 megahertz band (specifically, 764–776 megahertz and 794–806 megahertz), and inserting new subsections providing Congressional direction with respect to eligible activities under NTIA's administration of the $1 billion public safety grant program.

New 3006(a) of the DRA establishes the scope of the permissible grants under the program and permits NTIA to allocate up to $100 million for the establishment of strategic technology reserves that will provide communications capability and equipment for first responders and other emergency personnel in the event of an emergency or a major disaster. In addition to strategic technology reserves, this subsection describes a broad range of topics related to improving communications interoperability that will be eligible for assistance under the grant program including, Statewide or regional planning and coordination, design and engineering support, technical assistance and training, and the acquisition or deployment of interoperable communications equipment, software, or systems.

New 3006(b) of the DRA reiterates the requirement imposed under section 4 of the Call Home Act of 2006, which, subject to the receipt of qualified applications as determined by the Assistant Secretary, would require that not less that $1 billion be awarded no later than September 30, 2007.

New 3006(C) of the DRA requires that funding distributions be made among the several States consistent with section 1014(C)(3) of the USA PATRIOT Act (0.75 percent to each State) to ensure a fair distribution of funds. It also requires that the calculation of risk factors be based upon an ''all-hazards'' approach that recognizes the critical need for effective emergency communications in response not only to terrorist attacks, but also to a variety of natural disasters.

New section 3006(d) of the DRA establishes requirements for grant applicants, including an explanation of how assistance would improve interoperability and a description of how any equipment or system request would be compatible or consistent with certain relevant sections of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C.§194(a)(1)).

New section 3006(e) of the DRA directs NTIA to rely on the most current grant guidance issued under the Department of Homeland Security (the Department or DHS) SAFECOM program to promote greater consistency in the criteria used to evaluate interoperability grant applications.

New section 3006(f) of the DRA establishes criteria for grants of equipment, supplies, systems and related communications service related to support for strategic technology reserve initiatives. This section also requires that funding for strategic reserves be divided between block grants to States in support of state reserves and grants in support of Federal reserves at each Federal Emergency Management Agency (FEMA) regional office and in each of the noncontiguous States.

New section 3006(g) of the DRA permits the Assistant Secretary to encourage the development of voluntary consensus standards for interoperable communications systems, but precludes the Assistant Secretary from requiring any such standard.

New section 3006(h) of the DRA permits NTIA to seek assistance from other Federal agencies where appropriate in the administration of the grant program.

New section 3006(I) of the DRA requires the Inspector General of the Department of Commerce annually to assess the management of NTIA's interoperability grant program.

New section 3006(j) of the DRA requires NTIA, in consultation with the DHS and the FCC, to promulgate final program rules for implementation within 90 days of enactment.

New section 3006(k) of the DRA creates a rule of construction clarifying that nothing in this section precludes funding for interim or long-term Internet Protocol-based solutions, notwithstanding compliance with the Project 25 standard.

Section 1481(b) of the Senate bill requires the FCC, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of DHS, to report on the feasibility of a redundant system for emergency communications no later than one year after enactment.

Section 1481(c) of the Senate bill directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of DHS and the Secretary of Health and Human Services, to create a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee will assess current communications capabilities at emergency care facilities, options to accommodate the growth of communications services used by emergency medical care facilities, and options to better integrate emergency medical care communications systems

with other emergency communications networks. The joint advisory committee would be required to report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within six months after the date of enactment.

Section 1481(d) of the Senate bill provides authorization for not more than 10 pilot projects to improve the capabilities of emergency communications systems in emergency medical care facilities. Grants would be administered by the Assistant Secretary of Commerce for Communications and Information, would require a fifty percent match, would not exceed $2 million per grant, and would be geographically distributed to the maximum extent possible.

The Conference substitute adopts the Senate provision, with modifications. Most notably, it authorizes NTIA, in consultation with DHS, to permit up to $75 million of the Public Safety Interoperability Communications grant to be used by States to contribute to a strategic technology reserve. The substitute permits waivers to States that have already implemented a strategic technology reserve or can demonstrate higher priority public safety communications needs. The Conference substitute adopts the Senate's provisions relating to the FCC's vulnerability assessment and report on emergency communications back-up system. The Conference agreed to set a deadline of 180 days for FCC to deliver its findings to Congress. The Conference substitute also adopts the Senate's provision that directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Homeland Security (the Secretary) and the Secretary of Health and Human Services, to establish a joint advisory committee that will assess current communications capabilities at emergency care facilities.

The Conference substitute provides for reports and audits by the Inspector General of the Department of Commerce. With respect to grants under this title, these provisions strengthen oversight over this program and clarify the intent of the conferees that the provisions in Sec. 2022 of the Homeland Security Act (added by Title I) do not apply to this grant program.

Section 2202. Clarification of Congressional Intent

There is no comparable House provision.

Section 1482(a) of the Senate bill would amend Title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) by including a savings clause clarifying the concurrent authorities of the Department of Commerce and the Federal Communications Commission (FCC), with respect to their existing authorities related public safety and promoting the safety of life and property through the use of communications. Section 1482(b) of the Senate bill makes the effective date of this savings clause as if enacted with the Department of Homeland Security Appropriations for FY 2007 (Public Law 109–295).

The Conference substitute modifies the Senate language to clarify that it is Congress' intent that Federal Departments and Agencies work cooperatively in a manner that does not impede the implementation of the requirements of Title III and Title XXII of this Act and Title VI of Public Law 109–295.

The Conference observes that Federal Departments and Agencies should not be precluded or obstructed from carrying out their other authorities relating to other emergency communications matters.

Section 2203. Cross Border Interoperability Reports

There is no comparable House provision.

Section 1483 of the Senate bill would require the FCC, in conjunction with the DHS, the Office of Management and Budget, and the Department of State to report, not later than 90 days after enactment on the status of efforts to coordinate cross border interoperability issues and the re-banding of 800 megahertz radios with Canada and Mexico. The FCC would further be required to report on any communications between the FCC and the Department of State regarding possible amendments to legal agreements and protocols governing the coordination process for license applications seeking to use channels and frequencies above Line A, to submit information about the annual rejection rate over the last 5 years by the United States for new channels and frequencies above Line A, and to suggest additional procedures and mechanisms that could be taken to reduce the rejection rate for such applications. The FCC would be required to provide regular updates of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of treaty negotiations related to the re-banding of 800 megahertz radios until the appropriate treaty has been revised with Canada and Mexico.

The Conference Report adopts the Senate provision.

Section 2204. Extension of Short Quorum.

There is no comparable House provision.

Section 1484 of the Senate bill permits two members of the Consumer Product Safety Commission to constitute a quorum for six months following enactment of this Act.

The Conference substitute adopts the Senate provision.

Section 2205. Requiring Reports to Be Submitted to Certain Committees.

Section 1485 of the Senate bill requires under provisions of this Act to be shared with other relevant Congressional Committees.

The Conference substitute modifies the Senate reporting provision and agrees that in addition to the Committees specifically enumerated to receive the reports under this Title, any report transmitted under the provisions of this Title shall also be transmitted to the appropriate Congressional Committees as provided for by under section 2(2) of the Homeland Security Act (6 U.S.C.§101).

TITLE XXIII—911 MODERNIZATION

Section 2301. Short Title

The Conference substitute provides that Title XXIII may be cited as the ''911 Modernization Act.''

Section 2302. Funding for Program

There is no comparable House provision.

Section 1702 of the Senate bill amends Section 3011 of Public Law 109–171 (47 U.S.C. §309) to give borrowing authority to the Assistant Secretary of the National Telecommunications and Information Administration (NTIA) for not more than $43,500,000 to implement the Enhance 911 Act of 2004 (Public Law 108–494). The Assistant Secretary must reimburse the Treasury without interest once funds are deposited into the Digital Television Transition and Public Safety Fund.

The Conference substitute adopts the Senate provision.

Section 2303. NTIA Coordination of E–911 Implementation

There is no comparable House provision.

Section 1703 of the Senate bill amends Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. § 942(b)(4)) to require the Assistant Secretary and the Administrator of the National Highway Safety Administration to issue regulations that allow a portion of the Phase II E–911 Implementation Grants to be prioritized for Public Safety Answering Points (PSAPs) that were not capable of receiving 911 calls on the date of the enactment of the Enhanced 911 Act of 2004 (Public Law 108–494). These grants will be used for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants are subject to all the other requirements of this section, such as the fifty percent matching funds requirement and the requirement to certify that no portion of any E–911 charges imposed by an applicant's State or taxing jurisdiction are being obligated or expended for any purpose other than for which such charges were designated.

The Conference substitute adopts the Senate provision.

TITLE XXIV—MISCELLANEOUS PROVISIONS

Section 2401. Quadrennial Homeland Security Review

There is no comparable House provision. However, the House passed a similar provision in H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, which called for a Comprehensive Homeland Security Review at the beginning of each new Presidential Administration.

Section 1606 of the Senate bill included a provision to conduct a Quadrennial Homeland Security Review, requiring the Department of Homeland Security (the Department or DHS) to conduct a comprehensive examination of the national homeland security strategy.

The Conference substitute adopts a compromise provision which in several places clarifies the scope of the Review. It requires the Secretary of Homeland Security (the Secretary) to carry out the first Quadrennial Homeland Security Review in Fiscal Year 2009, and every four years thereafter. The Conferees believe that this review should take place in the first year after a Presidential election, so that a new Administration can act upon the results of the review or a re-elected Administration can review its policies and emerging threats and revise the review accordingly. This also recognizes the time span during which a new President will appoint and the Senate will confirm senior departmental officials who will be responsible for this review. The provision also requires the Secretary to consult with other Federal agencies, key officials of the Department, and other relevant governmental and non-governmental entities in carrying out the review.

The Conference substitute also describes the required content of the review, including an update of the national homeland security strategy, a prioritization of homeland security mission areas, and the identification of a budget plan for executing these missions. These review activities are intended to strengthen the linkages between strategy and execution at the Department of Homeland Security. The Conference substitute requires the Secretary to submit to Congress a report regarding the results of the Quadrennial Homeland Security Review no later than December 31 of the year in which a review is conducted, and also to make that report public consistent with the protection of national security and other sensitive matters. It also requires the Department to begin in Fiscal Year 2007 and Fiscal Year 2008 to prepare to carry out this review, and to report to Congress on these preparations.

The Conference understands that the Administration already has begun this process by including a request for designated funding

in the President's Fiscal Year 2008 request for the Office of Policy to lead this initiative.

Section 2402. Sense of the Congress Regarding the Prevention of Radicalization Leading to Ideologically-Based Violence

There is no comparable House provision.

Section 1602 of the Senate bill includes extensive findings concerning the threat of radicalization in the United States as a component of the struggle against the transnational ideological movement of Islamist extremism. This provision also makes recommendations to the Secretary regarding measures that can be taken to prevent radicalization and concludes that the Secretary should work across the Federal government and with State and local officials to make countering radicalization a priority.

The Conference substitute adopts the Senate provision with changes. The changes include modifying the terms used to describe radicalization so that it is clear that protected behavior is not included. As a result, radicalization is referred to as radicalization that leads to ideologically-based violence. Additionally, while the language is intended to address the global struggle against violent extremism, the language is broadened to include ideologically-based violence from all sources.

Section 2403. Requiring Reports to Be Submitted to Certain Committees

There is no comparable House provision.

Section 1485 of the Senate bill contained a provision to provide certain Senate Committees with reports required elsewhere in the bill.

The Conference substitute adopts part of the Senate provision with updated references to certain reports.

Section 2404. Demonstration Project

There is no comparable House provision.

Section 805 of the Senate bill requires the Secretary to establish a demonstration project to conduct demonstrations of security management systems.

The Conference substitute adopts the Senate provision, while modifying it so that it defines ''security management system'' as a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

Section 2405. Under Secretary for Management of the Department of Homeland Security

There is no comparable House provision, as Members believe that this issue would be best addressed as part of a comprehensive homeland security authorization bill.

Section 1601 of the Senate bill elevates the position of Under Secretary for Management to a Deputy Secretary, adds qualifications for the position, and gives this newly created position a five-year term with removal only for performance reasons.

The Conference substitute adopts a modified version of the Senate provision by enhancing the Under Secretary's authority while maintaining the position at the Under Secretary level without a fixed term. Specifically, the substitute designates the Under Secretary for Management as the Chief Management Officer and the Secretary's principal advisor on management-related matters. It also requires the Under Secretary to facilitate strategic management planning, integration, transformation, and transition and succession for the Department.

The Conference substitute requires the Under Secretary to develop a transition and succession plan, and authorizes the incumbent Under Secretary to remain in the position, after a Presidential election, until a successor is confirmed in the subsequent Administration. It also expresses the Sense of the Congress that a newly-elected President should encourage the incumbent Under Secretary to remain until a successor is confirmed, to provide continuity during the transition. The legislation also requires that the Under Secretary be accountable for his or her performance—each year, the Under Secretary must enter into a performance agreement with the Secretary and be subject to an evaluation based on the same. The substitute also enhances the President's ability to attract qualified candidates, as it elevates the Under Secretary for Management to Level II of the Executive Schedule.

Because the Department is newly formed, and in light of the integration and management challenges it has faced to date, the Conference is concerned about the impending transition between Administrations and believes this transition should be well-planned and smoothly implemented. The Conference believes that this position requires a person with strong management skills and a proven track record of success, and this legislation requires the selection of a person with such experience.

EARMARKS

Pursuant to House Rule XXI, clause 9(a)(4), the Committee of Conference attaches a list of earmarks included in the Conference Report to accompany H.R. 1, including a list of Congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate Committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no Congressional earmarks, limited tax benefits, or limited tariff benefits, as follows:

Section	Earmark	Member
Section 1204	National Disaster Preparedness Training Center, University of Hawaii	Sen. Daniel K. Inouye
	Transportation Technology Center, Inc.	Sen. Wayne Allard
		Sen. Ken Salazar
		Rep. John T. Salazar
		Rep. Ed Perlmutter
Section 1205	Connecticut Transportation Institute, University of Connecticut	Sen. Christopher J. Dodd
		Sen. Joseph I. Lieberman
	National Transit Institute, Rutgers, the State University of New Jersey	Sen. Robert Menendez
		Sen. Frank R. Lautenberg
	Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas	Sen. Mark L. Pryor
	Homeland Security Management Institute, Long Island University	Sen. Charles E. Shumer
		Rep. Peter T. King
	Texas Southern University in Houston, Texas	Rep. Al Green
	Tougaloo College	Rep. Bennie G. Thompson

BENNIE G. THOMPSON,
LORETTA SÁNCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr.,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
Managers on the Part of the House.

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
Managers on the Part of the Senate.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 566) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That the following member be, and is hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOMELAND SECURITY.—Mr. Broun of Georgia.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Broun of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Chair

announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. COURTNEY, Connecticut

Mr. SHAYS, Connecticut

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES L. OBERSTAR, Chairman, Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 25, 2007.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking Member John L. Mica (Florida) to serve on the Board of Visitors.

Since its founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of ''educating, training and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country.'' The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE 1ST BATTALION OF THE 133RD INFANTRY OF THE IOWA NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to welcome the members of the 1st Battalion of the 133rd Infantry of the Iowa National Guard home to Iowa after a lengthy deployment in Iraq, and to honor and thank them for their service there.

Today was a momentous day in Iowa as the members of the 1–133rd, known as the ''Ironman Battalion,'' were reunited with their friends, family, and loved ones at a homecoming ceremony in Waterloo. This day of reunion and celebration has been anxiously awaited in Iowa since the battalion left for Iraq last year. An overflow crowd of thousands packed Riverfront Stadium to welcome the hundreds of men and women home. As they drove the final miles from Ft. McCoy in Wisconsin, Iowans lined the road to wave at the 1–133rd.

Sadly, today was also made bittersweet by the absence of two members, Sergeant 1st Class Scott Nisely and Sergeant Kampha Sourivong, who were tragically killed during combat operations in Iraq in September 2006.

It is impossible for those who have not served in Iraq to fully understand the experiences of the 1–133rd, or to comprehend the sacrifices that they and their families have made on behalf of our country. However, I am glad that the Memorial Day special edition of ''60 Minutes'' gave Americans a small glimpse of the challenges that members of the 1–133rd and their families have faced throughout their long deployment, and more importantly into their incredible perseverance.

Iowans who watched the ''60 Minutes'' special featuring the 1–133rd saw the story of their friends, neighbors and loved ones who chose to serve and sacrifice when their country called them. We saw the daily danger faced by the 1–133rd in Iraq as they helped deliver fuel to coalition forces. We saw their families missing them and adjusting back home. We saw the hardship and heartache that was experienced by the members and their families when they received the news that their tour of duty was to be extended from April until this summer. And we saw the lives of our fellow Iowans cut tragically short.

For me, the program also reinforced what I had already learned about the members of the 1–133rd from my frequent communications with their commanding officer, Lieutenant Colonel Ben Corell, that they are men and women of great strength and character who selflessly and bravely put their lives on the line every day for their country in Iraq.

The contributions of the 1–133rd have indeed been crucial to the U.S. mission in Iraq. Throughout their tour of duty in the al Anbar province, one of the most dangerous parts of the country, the 1–133rd detained over 60 insurgents. They completed over 500 missions providing security for convoys, and logged in over 4 million mission miles. They have delivered over one-third of the fuel needed to sustain coalition forces in Iraq.

I hope that it gives members and families of the 1–133rd pride to reflect upon their accomplishments and to know that they are part of the longest-serving Iowa military unit since World War II, and part of the Army National Guard unit which has served the longest continuous deployment of any National Guard unit in support of Operation Iraqi Freedom. They have made me and so many others proud through their work and their sacrifices in Iraq, and I am incredibly privileged to represent them in the United States Congress.

I believe that the entire country should commend and thank these members and the families of the 1st Battalion, 133rd Infantry of the Iowa National Guard for their contributions to the U.S. mission in Iraq. That is why today I introduced a resolution in the House to honor and thank them for their service and sacrifices there. The strong bipartisan support this resolution has from 70 original cosponsors, including the entire Iowa congressional delegation, demonstrates the pride and gratitude that Americans feel toward our men and women serving in uniform.

I look forward to the swift passage of this resolution in the House of Representatives, and I hope that it comes to serve as a genuine expression of thanks from a grateful State and a grateful Nation.

We will be forever indebted to the members and families of the 1–133rd for their service and sacrifice. Again, I would like to commend and thank this incredible battalion for their work, and join their families, friends and neighbors in welcoming them home.

□ 2300

HONORING THE LIFE OF PFC. BRANDON KEITH BOBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Winston Churchill said that, ''We are masters of our fate, the task which has been set before us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our own cause and an unconquerable will to win, victory will never be denied us.''

Army PFC Brandon Keith Bobb believed in these words. He believed in the mission of Operation Iraqi Freedom. He believed in freedom and liberation from tyranny and terrorism.

Private First Class Bobb was born and raised in Port Arthur, Texas, a small town in southeast Texas that I represent. He attended Memorial High School and was a member of the track and field team. His high school coach remembers a young man who exhibited leadership as a high school student. His fellow students looked up to him and followed his examples.

Private First Class Bobb did not get the opportunity to graduate from Memorial High School because of Hurricane Rita. Hurricane Rita reared her vicious head and forced Bobb and his family to evacuate southeast Texas, and they relocated in Florida. He finished high school there.

He did not always want to be in the United States Army. It was in Riverview that he decided his career path in life, to become a chef. So, after high school, Bobb enrolled in the Orlando Culinary Academy. However, he quickly decided that this career choice was really not for him, and he decided that he wanted to belong in the United States Army. He knew the United States was at war in action and Iraq, but he enlisted in the Army because he knew it was his duty.

As private first class in the Army, Bobb became a military police officer in the 401st Military Police Company, 92nd Military Police Battalion, 89th Military Police Brigade stationed at Ft. Hood, Texas.

He enjoyed being a military police officer, maintaining law and order on the Army base. According to Private Bobb, he said, ''As of now, being a military police officer is the best job in the world.''

He was a man of many friends, especially among his brothers in arms in the United States Army. Those who knew him knew a young man that had an easy going personality and a positive outlook on life. He was always cheerful and was a soldier that others looked to for support and to lend a helping hand. He was always thinking of others, according to his friends.

He knew he was lucky in life, and he admitted on his personnel Myspace page that he hadn't always followed the straight and narrow path and had engaged in potentially dangerous activity growing up. But he was confident that that part of his life was behind him, and regardless of how tough he thought he was then, he knew in his heart that he was a real soldier in the Army.

Private First Class Bobb continued and said, The United States Army is where the real tough men are at, my drill sergeants, my battle buddies, my commanders, and first sergeants that stand ready to die for the rest of us every day.

Private First Class Bobb was deployed to Iraq in 2006 and was proud to go over to the vast desert sands of Iraq and defend freedom for the Iraqi people and represent the United States. He believed in his heart what he was doing was right.

But on July 17, a week ago, Private First Class Bobb was traveling in a military Humvee in the Iraqi capital of Baghdad when a bomb detonated near the vehicle. The bomb killed Pfc. Brandon Bobb and two of his fellow soldiers. He was 20 years old. He was due home from duty on July 26. That would have been tomorrow, one week after he gave his life for his country.

This is a recent photograph taken of Private First Class Bobb. This past Monday, this southeast Texas warrior, this son of Texas, came back to his beloved hometown. The citizens of Port Arthur turned out and honored him with a patriot's welcome. A watermade rainbow arch greeted the plane that carried the fallen soldier as hundreds of individuals from the town waving American flags lined the streets to pay final respects. Mr. Speaker, that's what people do in southeast Texas when our heroes come home.

A lieutenant in the United States Marine Corps, in a recent letter from Iraq, described what it meant to be an American warrior. He said, ''Our highest calling: to defend our way of life and Western civilization; fight for the freedom of others; protect our family, friends, and country; and give hope to a people long without it.''

Pfc. Brandon Bobb was that American warrior. He embodied what it meant to serve one's country with duty and honor, to put others above himself, and to defend the freedom of all Nations.

We are a grateful Nation for the sacrifice of Pfc. Brandon Bobb. Our hearts and prayers are with his family and his Army buddies.

Mr. Speaker, our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These warriors represent the best of our Nation. They are the sons of liberty and the daughters of democracy. These few, these noble few are American warriors who take care of the rest of us.

And that's just the way it is.

IT'S UP TO CONGRESS TO TAKE THE WHEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the President is famous for saying that he is the decider, but earlier this week we found out that when it comes to Iraq the American people want Congress to be the decider.

A poll conducted by ABC News and the Washington Post found that 62 percent of the American people say that Congress, and not the White House, should have the final word as to when to bring our troops home. The poll also found that 78 percent of the American people believe that the President is not willing enough to change course in Iraq. Nearly 60 percent favor withdrawal of our troops, and nearly two-thirds believe that the troop surge will not make things better.

And perhaps the saddest thing of all about this, Mr. Speaker, is that the great majority of Americans who have served in Iraq, or who have had a close friend or relative serve there, disapprove of the way the occupation has been handled.

These findings represent a complete repudiation of the President's policies and leadership, but it also poses a great challenge to Members of Congress. The American people are looking for us to lead. But so far, we've let them down. We haven't done what the American people sent here us here to do: end the occupation and bring the troops home.

Yes, it's true that this House voted earlier this month to begin withdrawing our troops within 120 days. That was an important step forward, but it doesn't force the President's hand because there aren't enough votes in this House, yet, to make the bill veto-proof.

I know that my colleagues across the aisle are waiting for General Petraeus to issue his report of the surge in September before they decide what to do about Iraq, but I don't know why we're waiting for a report when the report that really matters has already been issued, the National Intelligence Estimate, which we received last week.

It showed beyond a shadow of a doubt that al Qaeda is the greatest threat to America, and it is operating out of Pakistan, not Iraq. By getting caught in the crossfire of a civil war in Iraq, we have been fighting the wrong enemy in the wrong place at the wrong time.

But despite all logic, the administration keeps digging us in even deeper. The press is reporting today that the American command in Iraq has developed a new plan that will keep us fighting and dying there for years more, and at least 2 years more.

This is the worst possible action to take, Mr. Speaker, because it sends the message that our involvement is open-ended. It says to the Iraqi government, you don't have to lift a finger to take responsibility for your country's security because Americans will do the job for you.

Six-and-a-half years later, this administration has pursued an arrogant, go-it-alone foreign policy. It told our allies and the rest of the world to get lost. So it's not surprising that it wants Congress to get lost, too.

But we are a coequal branch. We have a clear mandate from the American people. The American people are telling us, the President is driving us over the cliff. So it's up to the Congress to take the wheel.

Our duty is clear, Mr. Speaker. We must act now to put our country and the world on a better and safer course. We must bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2315

CHAMP ACT AND DENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my strong support for the Children's Health Medicare Protection Act, entitled CHAMP, of 2007,

which makes great strides in improving our Nation's health care system.

It chills the conscience to think that approximately 9 million children are currently without health insurance. An estimated 18,000 Americans died last year because they did not have access to health care, many of them sadly were children.

There can be no justice until all of our children, our most valuable resource, are granted access to the most technologically advanced system in the world.

Individuals travel from every corner of the globe to access our high-quality health care. Yet, we cannot seem to provide care to the individuals in our own backyard.

The CHAMP Act would begin to begin to change that injustice, committing $50 billion to reauthorize and improve the State Children's Health Insurance Program, our Nation's health care safety net for low-income, uninsured children.

The Act does not expand the SCHIP benefit to wealthy children or adults, as some would argue. It merely provides benefits to the same low-income children who we originally intended to cover.

Most of the 9 million children who are currently uninsured are eligible for Medicaid or SCHIP, but do not receive the benefits because of enrollment barriers and underfunding.

The CHAMP Act will lift the barriers and raise the funding so we can get our children the care they so desperately need.

It is with great enthusiasm that I support this landmark legislation. I am pleased that my colleagues have been able to rise above the political rhetoric to develop legislation that will have a significant impact for our Nation's most vulnerable children. I am also pleased that my chairman shares my commitment to improving children's access to dental care. The chairman recognizes, as I do, that oral health is an overall component of overall health, and we cannot afford to ignore the dental health needs of our children.

I applaud efforts to include a dental benefits package and dental quality assurance methods in the CHAMP Act. I also want to thank the chairman and of my fellow colleagues from Maryland, including Congressman Albert Wynn, for their support of two initiatives that I had promoted to increase children's access to dental care under this legislation.

The first would allow federally qualified health centers to contract with private-practice dentists, significantly enhancing our Nation's dental safety net. The second one requires the Secretary of Health and Human Services to provide educational materials to new mothers on the importance of oral health and the services available to their children, with the goal of stopping dental disease before it even starts. Both initiatives will cost little or nothing, while yielding excellent results for our children.

Congressman WYNN and I know the importance of protecting our children from dental disease. It was a short 5 months ago that a 12-year-old Maryland boy died when an untreated tooth infection spread to his brain. Forty dollars worth of dental care might have saved his life, but he never got that opportunity.

As I have said before, Deamonte Driver's case was rare and extreme, but he was by no means alone in his suffering. Dental disease is the single most common chronic disease in this country, and it is preventable.

Finally, all it takes on our part is the will to protect our children. I am pleased that so many Members of Congress have demonstrated this will, and I encourage all my colleagues to support the vitally important CHAMP Act.

The SPEAKER pro tempore (Mr. ALTMIRE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FIGHTING CRIME AND HELPING WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-Lee of Texas. Mr. Speaker, today we have had under consideration the Commerce, Justice and Science appropriations legislation, which has a far-reaching impact on a number of issues that America and Americans are facing today. All over America we have seen statistics for crime going up, major cities being impacted, and particularly seeing the numbers of law enforcement officers stretched to the ultimate. In fact, in my own City of Houston, big billboards say, Dallas, bonus for police officers who will relocate to Dallas.

At the same time, Houston is seeing a sizeable drop in the law enforcement officers that are able to patrol the street, losing almost 1,000 to 1,200. More funding is needed. That is why I applaud today the increased funding and the refunding for Community Oriented Policing Services, $725 million, $693 million over the President's request and $183 million above 2007.

Frankly, we had eliminated, under this administration and the past Congress, the Community Oriented Policing process. I know it firsthand, because our former chief of police and former mayor of the City of Houston could be considered the father of community-oriented policing; that is chief, former mayor, Lee P. Brown. We saw the results of such a program when police persons knew the neighborhood; they knew the good guys and the bad guys.

It was a mistake, a wrong-headed mistake, for this administration to drastically cut the cops-on-the-beat program. It works. It works for hamlets in rural areas. It works for big cities and middle-sized cities and small cities. I am glad this bill focuses on restoring to the American public the law enforcement it needs. I hope as we move to the other body and build this bill, that the President will sign increased funding for more officers who know the community and can enforce the law.

We need to bring the crime statistics down and help to save lives. Hijacking and carjacking of cars, busting into homes, drug running is taking over our communities because of the lack of law enforcement that know the community and are able to be trusted by the community.

Let me also note the fact that we have funded, in addition to the amendments passed today, the Women Against Violence Act and the Office of Violence Against Women Act. I was very pleased, as a member of the Judiciary Committee, to be one of those who helped reauthorize the VAWA Act, which now is being funded over these years.

It is crucial that, in addition to providing for a Violence Against Women program to the United States, that we also include protecting immigrant women who sometimes are left destitute because their immigrant husband is abusing them, and they then become unstatus because the husband has left them. This is a very important program as well.

Let me cite the Office of Juvenile Justice and Delinquency Prevention, $400 million, $62 million above 2007. It speaks to some of the crises that we are facing in the juvenile justice system. It is a wrong-headed system, more incarceration than rehabilitation. We need to direct these funds to do more rehabilitation and to be able to steer our children in the right direction.

It is more than important as well, as we fund the Federal Bureau of Prisons, that we study the question of the early release program for nonviolent prisoners. I hope to offer such an amendment. Our prisons are overcrowded. We have the largest number of incarcerated persons, but it is well known that because of the mandatory sentencing, we have individuals who are, in fact, incarcerated who can be released. Let us find a pathway to studying the early release of prisoners in the Federal system, and I am looking forward to putting such an amendment forward.

As a strong proponent of the National Foundation for Science, science

research, aeronautics, space exploration, under the National Aeronautics and Space Administration, I thank the chairman, Chairman MOLLOHAN, for funding those programs in a balanced manner. It may not be all that we want, but I am very glad to see exploration of $3.9 billion, $467 million over 2007 and the same as the President's request, has been funded.

Let me say that one of the issues that should be included, however, if we go to space, we need to be safe. My legislation dealing with the international space station and a safety commission needs to be reemphasized, and I will have an amendment to that extent.

Might I also say that it is very important, as we look at a number of issues around America, including law enforcement, that we provide interoperable equipment for our workers who are dealing with the public.

In Houston it is a tragedy that the bus workers that work for the metro system don't have communication devices that they drive the buses around our city. I am hoping to offer an amendment that will emphasize that.

This is important legislation that we are moving forward, including support for the legal services. I look forward to debating this bill and supporting it as we help America and help the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining until midnight as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House once again. I think it's very important to know that we have half a week and next week to complete the people's business. We have a lot that we are working on right now in the United States, also; legislation to redeploy our troops in Iraq, passing a farm bill that would help America move forward, to continue to have legislation that has already passed this House in the Six in '06 plan that we put forth in the first 100 hours of this Congress, getting it through the process. We celebrate this week, just yesterday, I believe, the increase that started with the minimum wage across the country. Americans have a lot to be proud of with this new direction of Congress.

As you know, in any democracy, it has to be a bipartisan spirit to get the job done on behalf of the American people. We are trying to do that in the best way possible.

Our friends on the other side of the aisle, on the Republican side of the aisle, in many cases are stutter-stepping and slowing down the process, but it's very, very important that their voice is heard in this Chamber. I think the days upon days and the hundreds of amendments that have been offered here on the floor and that have been voted on is evident of how this Democratically controlled House has allowed the minority party to be able to have access that only they could celebrate in the 110th Congress, which we weren't able to celebrate under the 109th Congress.

I also want to point out the fact that we have passed over 40-something major legislation where we have had bipartisan support, and I think that's important.

One issue I want to talk about tonight, since our time is limited, of the amount of dollars that we are spending in Iraq as we continue to try to redeploy our troops. We know the September 15 date is coming up, the second report of progress, or a lack thereof, in Iraq will be due. Members of the House are going to have to vote on the defense appropriations bill shortly thereafter that will set the tone for the remainder of the fiscal year.

As you know, we passed off this floor on a bipartisan vote continuing an emergency supplemental that would allow 3½ months of funding for the war in Iraq with MRAP tanks and other equipment that the troops needed.

I think Members had voted in the affirmative, Members had voted against it, both were courageous votes. I think it's time to move in a direction of policy. No permanent bases, I understand, will be coming up on the floor. We also have other legislation calling for the withdrawal of U.S. troops by a certain date. I think that's also important and very courageous. I think the debate that is going on in the Senate and the House, led by Democrats, are going to help us as we move towards the September 15 date.

As you know, and the Members know, I speak quite often on leaving politics behind and putting good policy forward, making sure that we don't act as Democrats and Republicans politically, I will say that again, rather than representing the American people. The American people are way ahead of us on this issue of Iraq.

I think it's important as we continue to share the information as we get in. This came from the Congressional Research Service. The cost of the war in Iraq is rising per year. You see the number in the billions, $120 billion per year, per month; $10 billion per week. We are looking at looking at $2.3 billion a day. We are looking at $329,000, we are looking at, per hour, as you see it relates per hour; the $13 million. I think it's important to look at per minute, $228,938 that's there in the thousands, and then we have $3,816 per second. I think it's important.

I think it's also important we look at those numbers, the cost per year, we look at the billions. We are looking at $120 billion per year. That can actually pay for 4.7 million EMTs and paramedics. When you look at it for a monthly cost at $10 billion, which we are spending in Iraq, you can actually provide EMTs or paramedics for your local community or for the Nation, 395,000.

When you look at the per-week cost, $2.3 billion, 91,000 EMTs and paramedics could be provided for local cities and counties and parishes; per day, at $329 million, 13,000; and per hour, $13.7 million that's spent that could actually fund 543 new EMTs. I think it's important, especially for those cities that are struggling and those counties that are struggling and States that are struggling on this very issue of how they are going to provide emergency service in their local community.

If you look at the cost of the war, could enroll more kids in Head Start. I think it's important for us to look at the $120 billion, 16.7 million kids can go into Head Start; per month at $10 billion, 1.7 million kids could go into Head Start; per week, $2.3 billion that's being spent in Iraq, 320,000 kids could actually be enrolled in Head Start where we have a shortage of funding and every kid can't receive Head Start opportunities where kids can start early and be healthy, and parents can have kids that will be prosperous educationally.

□ 2330

Per day, look at $329 million; 46,000 kids could benefit. And the per-hour cost that we are spending in Iraq at 13.7, 2,000 kids could be enrolled in the Head Start program.

As we start talking about health care insurance for children, I am just looking at these numbers as a member of the Ways and Means Committee and I am just thinking of how many kids we can actually do good things for and Americans. We just pulled a few of these things.

The cost of Iraq could send more Americans to college. You know the numbers by now. As you know, this is the year number at $120 billion, and the per-month is $10 billion, the per-week is $2.3 billion, per-day is $329 million, and per-hour at $13.7 million.

But look at this side, on the far side here, Mr. Speaker and Members, the numbers of students that could be helped: 21 million students in the one year that we spend there. So this means 21 million young people would have an opportunity to go to college, that is amazing, for what we are spending in Iraq right now; 1.7 million students per month can receive an education in the United States and make

us competitive, not States competitive with other States, but this country competitive with other countries.

I think it is also important if we can tie this chart in with that. I think it is also important that 395,000 students can be funded within a week of what we spend. I just know that financial aid officers at universities and at community colleges and at technical centers throughout the country are saying, wow, look at that number; 56,000 students could be funded per day. 56,000. Think about the kids that are paying student loans back that are having to go out and scratch and beg, and people that are punched in right now and grandparents and parents that have picked up an extra job to put their kids through school looking at these numbers as relates to this endless war, as the President sees it, in Iraq, we could actually help. And this is almost sad when it comes down to per hour. With the $13.7 million that is being spent in Iraq per hour, 2,000 students could actually receive an education.

I am going to break out from the charts and the numbers. But if you look at the foreign-owned debt and you start looking at countries like Japan that are holding a great number of our debt at the 644-plus million dollars, I think it is important. We owe Japan this money, we owe China money, we owe the U.K. money, we owe OPEC countries money because of the mismanagement of the Bush administration and the former rubber-stamp Republican Congress. Our kids, our young people, our country have to compete economically, have to compete as it relates to the level of education so that we can have a workforce that is better than the countries that we have borrowed money from, and I am not proud of that at all.

Just to tie in that chart, and I will get back to that Iraq issue, this is what is happening here. You have seen this chart before. We have updated this chart. Since President Bush has been in office, it has doubled the foreign-held debt.

It took 42 Presidents 224 years to build up $1 trillion in foreign-held debt. If you look, you have the pictures of the Presidents here, we are talking World War I, World War II, the Great Depression, you name it, a number of other wars that took place, the Civil War, and all of the conflicts that took place, and the hard financial times that the United States has gone through, these 42 Presidents combined, $1.01 trillion. President Bush was elected, had a rubber-stamp Republican Congress, and they borrowed within 6 years, we are saying 6 years, more than 224 years of history and other financial challenges of the country, $1.19 trillion. We are moving, Mr. Speaker, into a pay-as-you-go effort to be able to knock that down, and we are passing budgets that will get us back into.

Back to the cost of Iraq. And me being a former State trooper, Mr. Speaker and Members, I think this is important. Look, we know by now and we can see because I have said it about five times, the per-year, the per-month, the per-day, and the per-hour costs of the war in Iraq.

The per year at $120 billion, we can actually hire in this country 2.6 million police officers that could be community police officers to prevent crime, that could be officers that can enforce the law in high-crime areas, officers that can go out and do the things that they need to do to make this country safer. In one month that it costs us in Iraq, 221,000 officers could be hired. In one week in Iraq, 51,000 officers.

I am talking about folks that are in local communities that are literally under lockdown in urban and rural areas in the United States that are trying to protect their families and maybe have one or two State troopers in an entire county or State police officer in a parish or in an urban area. I represent down in Miami where you can go for a little while before you see a law enforcement officer. And to learn in one day that you can hire 7,000 police officers that it costs in Iraq, for the lack of the COPS bill that has been destroyed under the Bush administration and the past Republican Congress, that we are pushing in our past appropriations bills that we have passed thus far to rekindle that program so that we can have community policing, something that sheriffs, something that city police chiefs, something that local communities enjoy, because they prevent crime before it happens. And the per-hour cost, $3.7 million in Iraq per hour, could fund 304 police officers.

Now, Mr. Speaker, it takes a lot of courage, it takes a lot of backbone to come to this floor to make sure that we do what the American people have asked us to do in making sure that we provide opportunities for local communities to fund the necessary needs that they have.

Mr. Speaker, I yield to the distinguished Member from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, continuing along the lines of what Congressman MEEK has been speaking about, I sat behind him and he did not know that I was there. I thought that it would be helpful if I would join my very good friend, who is a member of the 30-somethings, and have him know that those of us that are the over 30-somethings have the exact same sentiments as it pertains to the circumstances as exist in our respective communities because of the Iraq war.

Representative MEEK, I wish to just bring to the table one example. I won't use the many in the congressional district that I am privileged to represent which abuts your district, and we have overlapping circumstances in a variety of our communities in South Broward and North Dade, and in this case I am going to carry it way west to the Everglades.

For the last 7 years, I have been about the business of trying to get a water treatment plant in Belle Glade, Florida for the people of Belle Glade, South Bay, Pahokee, and that general area. I won't even talk about the hospital; I won't even talk about the police that you have already talked about that we have tried to get. And so I thought, well, certainly now that we have political circumstances that are favorable to the majority, that it would be very easy to get a water treatment plant.

Now, you and I know this: we know that in Iraq we have paid for water treatment facilities that have been blown up. We know that we have paid for sewers that the materials were stolen. And we know that we are building an embassy, I guess we are building an embassy, at more money that I can ever contemplate that must have a big bull's eye on it, but we are not sure who is building it. We know about no-bid contracts. We know about millions of dollars being poured into this situation while our communities are suffering. Now, something is wrong with this picture.

I heard you loud and clear regarding the extraordinary debt. And I don't mean to take much of your time, I came down here to file this bill, but I could not resist. And I yield back to my very good friend from Florida.

Mr. MEEK of Florida. Congressman HASTINGS, I am so glad that you did come down and that you did share your sentiments. And you are right, the point that we are trying to make here is that we are going to have to bring an end to this war as we see it now.

Mr. Speaker, I think it is also important for all of the Members on both sides of the aisle to realize that, especially under the pay-as-you-go philosophy that we have adopted as the House in the majority and the Senate has adopted, that things are going to be hard back home as it relates to getting Federal appropriations back to our districts.

There is really no need for us to be here if we can't bring resources back, if we can't represent the people that woke up early one Tuesday morning for representation to provide not only voice here in Congress but also action. And without money, it is hard to bring about that kind of action.

I think it is also, Mr. Speaker, very important that Members do note that many of the U.S. Governors, and I am not just talking about Democratic Governors, mainly Republican Governors, that have raised the issue with the Federal commitment to the States, the devolution of taxation that has been taking place over the last 6 years, especially under the Bush administration.

I just want to break that down a little further where taxes, quote/unquote, have been cut here for the very wealthy here in Washington prior to the Democratic Congress getting here, and that responsibility with the lack of

funding, Leave No Child Left Behind. I am not cutting the student loan rates in half, which we have already passed in our Six in '06 budget. But in the Republican Congress, those States had the balance. Here, under the 109th, under the Republican Congress, they could continue to raise that foreign-held debt that I talked about. They could just say, well, let's just put it on a credit card and leave it for the next generation and this generation to pay for it. But we decided here, in the Democratic leadership and society, that we are going to move in a responsible way and not leaning on the backs of our children and our families that exist now as we compete against other countries, not only in the area of technology, but also in the area of financial strength.

And I think that the posture that we are in now, Mr. Speaker, of what I showed on that chart on foreign-held debt, this chart illustrates the posture that we are in right now: $1.19 trillion. And these are not my numbers; these are the numbers from the U.S. Treasury. So this is not something that I sat down my staff and said, Let's see what looks good or sounds good, because we know as the 30-something Working Group that I would like to add my colleague here Mr. HASTINGS that I am a part of the ''something'' of the 30-something. But I think it is important for us to point at that and take note to it.

Now, if you are a conservative Democrat, Republican, Independent, you have to have issue with fiscal irresponsibility. If you are someone that feels very strongly as it relates to the supporting of the troops, I think it is important that you pay very close attention to the amount of money that is being spent in Iraq with the lack of accountability, only now that the Congress started holding hearings under the Democratic-controlled House, holding hearings to check the issues and the questions of the no-bid contracts, the lack of oversight over the years. There are a number of things that are coming to light now, Mr. Speaker, because the committees are having committee hearings, subcommittees are having hearings asking the tough questions, let's just say questions in general about the war in Iraq.

I don't want to be in a position, Mr. Speaker, to say, I told you so. I want to be in the position to say that we were able to prevent the taxpayer dollar from being spent in an irresponsible way. There are a number of things that have taken place. I am looking forward, Mr. Speaker and Members, going to Iraq in the next 6 weeks prior to the September 15 report to bring about my own assessment of what is going on there on the ground.

Mr. Speaker, I went in my district to the Federal Reserve Unit of the Combat Engineer Unit 841 that is actually being deployed into Iraq and will be there at the time that I visit Iraq. My talk with them, Mr. Speaker, was that I hope that this would be their last deployment to Iraq, and something that we need to hold close to us.

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And now, Mr. Speaker, I want to point this out because when I talk about a bipartisan approach, I want to make sure that we talk fact not fiction here on the floor, and I don't want in any way to paint some sort of butterscotch cloud world.

But I think it's important that we take issue with the fact that this House and the Senate passed legislation that had benchmarks in it, legislation that had redeployment dates in it, legislation that had an end date for combat troops to patrol the streets of Iraq and other areas, and leaving that responsibility up to the Iraqi Government.

I'm mentioning combat troops because I think it's important that we pay very close attention to it. Right now, as we speak, Mr. Speaker, there are troops right now, marines, soldiers, other branches of the armed services that are going through door-to-door checks, not only in Baghdad but throughout Iraq on behalf of the safety of the people of those towns or province or what have you.

And every door we kick in, Mr. Speaker, because, as you hear, the President doesn't speak of coalition anymore because the coalition is gone. The coalition, in their own way, as small as the coalition was, found a way to start redeploying their troops out of combat into the periphery that we speak of so much to provide support where their troops will not be in harm's way, where their money commitment will not be at the level of our money commitment of the numbers that I called off a little earlier. And I think that is very, very important for us to pay very close attention to that.

Mr. Speaker, I think it's important to note that when this House acted, and we passed legislation, and the Senate acted and they passed legislation in a bipartisan way, before that bill could even get bound to take to the White House, the President called some of our Republican colleagues down to the White House. They had a lunch and they came out of the White House. And it's not one Democrat in this picture here, and said that we're going to make sure that the President is able to withstand an override of his veto by the Congress.

Now, I'm not judging Members for going down to the White House and saying that. But I just want to make sure, because I believe that a number of Members have gone back to their districts and, you know, I'm not trying to call any names or party affiliation, but I'm just telling you, not one Democrat went down to the White House to stand with the President on his troop escalation plan.

But I think the November election was all about a new direction. And there's a difference between making sure that the men and women have what they need while they're in harm's way. There's a difference when it comes down to the fact that we here in the Congress have to put forth policy and parameters on the taxpayer dollars to make sure that it's being spent appropriately.

You heard Mr. HASTINGS, who's a member of the Intelligence Committee, also is involved in many of the European talks and is a leader in one of the largest parliamentary councils in Europe that were a part of the coalition that made his statements about what we know and why we're not bringing about the accountability that's needed.

I hold this picture up because I want to discourage Members from going to the White House on behalf of party. And I think it's important that we look at it from that standpoint. As I come in for a closing, Mr. Speaker, as we proceed over the next week and a half, we're going to spend many hours here on this floor. We're going to have a number of amendments. Tomorrow, as we mark up and start to put together the Children's Health Insurance Plan in the Ways and Means Committee, there will be a number of amendments, as we start looking at the Medicaid and Medicare benefits, who's going to get what when and how it's going to happen, there are going to be a number of amendments. And it's nothing wrong with amendments and dialogue and discourse.

But I believe that the issues that we have to tackle as a Congress, we're going to need that Republican bipartisan support, along with this Democratic leadership.

Minimum wage never would have been increased if it wasn't for the leadership of the Speaker and a number of the Democratic Members that held to their guns to make sure that everyday people that punch in and out, Mr. Speaker, while we're here on the floor, those individuals that are bussing tables, those individuals that are cleaning offices, those individuals that are working shift work, as a security officer or as an individual that's trying to provide for their families.

And even for salaried workers, Mr. Speaker, I think it's important when you look at the increase in minimum wage, it helps salaried workers because they'll make more money and they will be able to pay more for health insurance, additional insurance if they're insurance at their job doesn't provide what they need; and it also takes a number of families over the poverty line.

But as we look at this, I think it's important, there's only so many times that Republican Members can go down to the White House and say, Mr. President, I stand with you, versus standing with those individuals that have said that they want something overwhelmingly, like the minimum wage and other areas. We still had Members that voted against the increase in minimum wage, which I can't understand, still today.

So with that, Mr. Speaker, I look forward to continuing to share with the Members, not only the costs in Iraq, but also our responsibility here in Congress. I'm glad that, from the Speaker on down to the newest Member of Congress, that we have a philosophy that we have to push forward, that we have to make sure the American people not only have voice but action in this House.

I encourage my Republican colleagues to be along with us in that spirit and have the kind of paradigm shift that we need to put this country on the right track and to make sure that our men and women have what they need.

And I can tell you, from the families that I saw at the 841 who were moving on into Iraq, from what I picked up, if you want to help the troops, let's bring them home. And that's what it's all about.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 110–260) on the resolution (H. Res. 567) providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2661. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

2662. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's report entitled, ''State and Local Implementation of the No Child Left Behind Act: Volume I — Title I School Choice, Supplemental Educational Services, and Student Achievement''; to the Committee on Education and Labor.

2663. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities — received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2664. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers (RRTCs) — received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2665. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program — July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2666. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.06-1614 — Myrna Gomez-Perez v. John E. Potter (February 9, 2007); to the Committee on Education and Labor.

2667. A letter from the Secretary, Department of Energy, transmitting the Department's plan to expand the Strategic Petroleum Reserve (SPR) to one billion barrels, pursuant to Public Law 109-58, section 159(j); to the Committee on Energy and Commerce.

2668. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Energy and Commerce.

2669. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

2670. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

2671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''Interpretation of 'Ambient Air' In situation Involving Leased Land Under the Regulations for Prevention of Significant Deterioration''; to the Committee on Energy and Commerce.

2672. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of entities to the Entity List [Docket No. 070615200-7202-01] (RIN: 0694-AE06) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2673. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Licensing Jurisdiction for Microelectronic Circuits [Docket No. 070426097-7099-01] (RIN: 0694-AE02) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2674. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2006 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, (''the CFE Flank Document''); to the Committee on Foreign Affairs.

2675. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No. 070326070-7110-02; I.D. 032107A] (RIN: 0648-AV47) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2676. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2007 [Docket No. 070518109-7109-01; I.D. 030107B] (RIN: 0648-AU60) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2677. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2006-26690 Directorate Identifier 2006-CE-088-AD; Amendment 39-15032; AD 2007-09-02] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2678. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes [Docket No. FAA-2007-27208 Directorate Identifier 2007-CE-010-AD; Amendment 39-15040; AD 2007-09-08] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25581 Directorate Identifier 2006-CE-041-AD; Amendment 39-15039; AD 2007-09-07] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25419; Directorate Identifier 2006-NM-055-AD; Amendment 39-15007; AD 2007-07-10] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, -400, -500, -600, -700, -800, and -900 Series Airplanes; Boeing Model 757-200 and -300 Series Airplanes; and McDonnell Douglas Model DC-10-10. DC-10-10F, DC-10-30, DC-10-30F, DC-10-40, MD-10-30F, MD-11, and MD-11F Airplanes; Equipped with Reinforced Flight Deck Doors Installed in Accordance with Supplemental Type Certificate (STC) ST01335LA, STC ST01334LA, and STC ST01391LA, Respectively [Docket No. FAA-2007-26864; Directorate Identifier 2006-NM-228-AD; Amendment 39-15053; AD 2007-10-12] (RIN: 2120-AA64) Received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2682. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2005-22288; Directorate Identifier 2005-NM-132-AD; Amendment 39-15050; AD 2007-10-09] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2006-26498; Directorate Identifier 2006-CE-83-AD; Amendment 39-15056; AD 2007-10-15] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-27213 Directorate Identifier 2007-CE-012-AD; Amendment 39-15055; AD 2007-10-14] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Jetstream Model 3201 Airplanes [Docket No. FAA-2006-26284; Directorate Identifier 2006-CE-68-AD; Amendment 39-15057; AD 2007-10-16] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bolivar, MO. [Docket No. FAA-2007-27837; Airspace Docket No. 07-ACE-5] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30551 Amdt. No. 3219] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30552; Amdt. No. 3220] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2689. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill-Selected Reserve and Other Miscellaneous Issues (RIN: 2900-AM50) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2690. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Second Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, pursuant to Public Law 109-702, section 3201; jointly to the Committees on Armed Services and Appropriations.

2691. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Evaluation of Phase I of Medicare Health Support (Formerly Voluntary Chronic Care Improvement) Pilot Program Under Traditional Fee-for-Service Medicare,'' in response to the requirements of Section 721(b)(1) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

2692. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2005,'' pursuant to Public Law 106-554 section 522(a); jointly to the Committees on Energy and Commerce and Ways and Means.

2693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2007-21 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2006 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.