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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, make us instruments of Your love. Use our Senators today as ambassadors of reconciliation. Direct them in their work, and surround them with Your gracious favor. Let all their plans and purposes be in accordance with Your holy will. May their primary aim be to serve You and country with faithfulness. Enlighten them by Your holy spirit so they will find solutions to the problems that challenge our world.

Lord, make them good stewards of their calling, guiding them to use their influence for Your glory. Inspire their minds, assist their wills, and strengthen their hands that they may not falter or fail. And when this day's work is done, give them refreshment of mind, spirit, and body.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today each side will have a half hour in morning business. The Republicans have the first half, the Democrats the final half. Following that, the Senate will begin consideration of one of the most important bills we do here every year; that is, the Defense appropriations bill. That will be led by Senators INOUYE and STEVENS. The Senate will recess today from 12:30 to 2:15 for the regularly scheduled party conference meetings. We want to finish this bill as quickly as possible and move to Commerce-State-Justice, which is also important, dealing with law enforcement. We also have some judges we would like to get rid of this week, if at all possible. We have a circuit court judge and a number of district court judges. We need to finish these items this week so that we can come back and start the Labor-HHS appropriations bill, which is extremely important. If we finish these two bills, we would have half of them done this year, which is good.

We have received tremendous cooperation from both sides to move through the bills. I hope we can continue to get that cooperation on this bill. I am confident there will be some amendments offered. Some of them will have points of order against them because of too much money and they are legislating on appropriations bills. Maybe those Senators won't offer them if they check with the Parliamentarian first. But we hope we can move through this bill very quickly.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

BURMA

Mr. MCCONNELL. Mr. President, the British statesman Edmund Burke once wrote: ''When bad men combine, the good must associate.'' Such vivid moral clarity is nowhere better reflected than in the recent events involving Burma.

In Burma, we have indeed witnessed the combination of bad men—a combination of corrupt military junta leaders and compliant thugs in the Burmese security forces.

This combination recently carried out the brutal suppression of peaceful protests in Burma, killing and imprisoning untold numbers of nonviolent demonstrators, including scores of Buddhist monks.

What is now needed is for the good to associate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The global struggle against terrorism has compelled us to increase our foreign policy engagement in places such as the Horn of Africa, Indonesia, and the Philippines.

In the coming decades, we must realize that China and India are two countries that will play a larger role on the world stage.

One would have hoped that as India takes on a greater role as a regional power, and as a growing economic power, that pro-democracy elements within Burma could look to associate with its next-door neighbor, the largest democracy on the planet.

Our Nation is pursuing a closer relationship with India in terms of military-to-military contacts and in the development of nuclear energy. India should be wary of coddling the junta in Burma.

The Association of Southeast Asian Nations, ASEAN, recently put out a strong statement condemning the brutality in Burma. Instead of echoing the sentiments of Burma's ASEAN neighbors, the Indian Government has only issued tepid statements at best.

In so doing, India has put itself in league with China and Russia.

This is all the more troubling since India had been supportive of Burmese reformers in the early 1990s.

As India assumes a greater role on the world stage, more will be asked of it, and this is just such a case. India needs to recognize that responsibility and abstain from supporting the military junta in Burma.

India needs to use its influence as Asia's longest-lived democracy to associate with the pro-democracy forces of Burma and press for reforms.

Understandably, India has important interests in its neighbor to the east. For one, India wants to counter the influence of China in Burma. That said, it should look beyond its near-term interests.

What better way to blunt Chinese influence in Burma than to work to bring about a Burma that reflects the Indian values of democracy and openness, rather than a Burma that reflects the antidemocratic values of the Chinese Government?

Mr. President, I strongly urge the Indian Government to reconsider its position on Burma; to speak directly to the regime's recent actions; and to work for the cause of democracy and reconciliation in Burma.

Only then can the combination of bad men leading Burma be checked.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for 10 minutes each and with the time equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

PASSING APPROPRIATIONS BILLS

Mr. CORNYN. Mr. President, yesterday marked the beginning of a new fiscal year, when all of our projected spending for the next year ought to have been budgeted and allocated to the appropriate programs and Federal agencies. Unfortunately, we have yet to see a single appropriations bill be sent to the President. Four appropriations bills that have been passed are still in conference: the Homeland Security appropriations bill, the Military Construction and Veterans' Affairs appropriations bill, the State and Foreign Operations appropriations bill, and the Transportation, Housing, and Urban Development appropriations bill. But those are stuck in conference and none have been sent to the President for his signature.

What is worse, the remaining eight were never even brought to the floor for consideration by the Senate majority leadership before the end of 2007. One, of course, will be taken up this week—the Defense appropriations bill.

Any business leader or small business owner in America can tell you that entering the fiscal year without an approved budget plan is disastrous policy. But in Washington, we have grown to accept that the Federal Government can basically hold the American taxpayer to a double standard: Do what we say and not as we do. In Washington, we have come to accept that we don't have to budget or pay our bills on time to keep the lights on. Instead, we can pass a law saying it is OK—which we did last week, a continuing resolution, which keeps Government basically on autopilot until November 16 and, as I said, that is a double standard the rest of America is not allowed to meet. Only Congress, only Washington, can do that.

This mentality of fiscal irresponsibility is a disturbing trend. Americans rightly expect us to keep the country running, but to keep it running efficiently and keep it running well, and to be good stewards of the taxpayers' dollars. We can't do that when we legislate on borrowed time and fail to pass any appropriations bills by the end of the fiscal year. Zero for twelve is a dismal average, even for the Senate.

Despite harsh criticisms for failing to pass all appropriations bills last year, the new majority has failed to pass a single appropriations bill when given the chance this year. Passing appropriations bills is ''the most fundamental job Congress is expected to do.'' That is a quote from our colleague, majority whip DICK DURBIN, December 2006 in the New York Times.

Senator HARRY REID, the current majority leader, said in May of 2007: ''The 'Do-Nothing' Republican Congress failed to pass the appropriations bills.''

Now we find that notwithstanding their promise of new leadership and change, that situation bears all too similar a comparison to what they complained about last year.

But the lack of urgency in passing these bills is only a part of the problem. My colleagues in the majority have used a few appropriations bills that have been brought forward as a vehicle for their political agenda, and increased spending on expanded social programs and pet projects.

As we debated the Defense authorization bill week after week, the majority party delayed the bill's approval by trying to add and, in fact, successfully adding, in some instances, unrelated amendments—amendments dealing with Federal hate crimes legislation, and immigration was even considered during the debate. Ultimately, these tactics wasted valuable time and delayed essential resources our military is counting on.

As each minute, each day, and each week passes by, we come closer and closer to what is known as an omnibus appropriations bill. For those outside the Washington bubble, let me say that ''omnibus'' is sometimes translated as ''grab your wallet.'' An omnibus appropriations bill tends to be loaded down with a lot of excess spending and unrelated pork.

If the appropriations bills we have debated thus far are any measure, we are in for major trouble. The spending proposals—an extra $205 billion on top of the President's budget request over the next 5 years—will force American taxpayers to send even more of their hard-earned pay to the Federal Government. We should instead be working to return their hard-earned money to the American people, or rather allow them to keep it in the first place as much as possible.

Now that we have already missed our own deadline for appropriations, it is time we get serious about these spending bills. I encourage all of my colleagues to join me and vote to pass timely and responsible appropriations bills and reverse this trend of fiscal apathy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak and to have that time allocated toward the majority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET PROCESS AND CHILDREN'S HEALTH CARE

Ms. STABENOW. Mr. President, a colleague and friend of mine on the other side of the aisle spoke a few minutes ago about the budget process. I come today to specifically talk about children's health care, but I think it is important to respond to what was said as it relates to the budget process and adopting a budget by October 1.

I was thinking as he was speaking, I have been here now—this is my seventh year, my seventh budget process. We have never met the October 1 deadline—never. In fact, I am not sure I remember having done it in the House when I was there for 4 years, either. We all know it is a nice political argument to make on the floor of the Senate, but it has no credibility because the reality is the October 1 deadline is something that is difficult to meet and we usually work through the fall on the budget. Everybody knows that.

What I think is significant, though, is the fact that if we are going to hold to that test as the test of responsible leadership, 6 of the last 7 years the Republican majority was in charge and 6 times they did not meet an October 1 deadline. In fact, last year, they never got a budget passed at all—at all. We came in as the new majority and had to pick up the pieces and figure out how to keep the Government going for the last half of the year. So I find it disingenuous—and I would say this to my friend if he were here—to come to the floor and make great political speeches and great theater. The reality is we all on both sides of the aisle know that the appropriators are working together now, coming to the floor on a bipartisan basis, to do what we do every single year—every single year in October and November and, unfortunately, at times into December.

But what I am very proud of is the fact that our leader, Senator REID, and our leadership in our caucus take very seriously our responsibilities on the budget; not only putting a budget in place, but a budget with the right values, the right priorities. We are changing the priorities on behalf of the people of this country. We are changing the priorities as they relate to funding the troops and pay raises and making sure our troops have what they need. We are changing the priorities. We will be dealing with a bill later this week as it relates to the Commerce, Justice, and State appropriations where we are going to stop the cuts the President has made in law enforcement, in the COPS program, in the FBI, and in juvenile justice and drug enforcement. We will work to reinstate that and refocus us on those things that keep our communities safe, keep America safe.

I am very proud of that. I am very proud of the priorities we have been putting in place as relates to this budget. On top of that, we are not digging a bigger hole as it relates to the deficit of this country, because we have returned to a policy that was in place under the former administration, under President Clinton, that simply says if you are going to spend dollars, you have to pay for it. You either have to cut some place in order to increase another or you have to raise revenue. It is a basic principle. It ought to be a no-brainer. But that has been suspended in the last 6 years, creating the largest deficits in the history of the country.

I am happy to come to the floor and talk about budgets and process, and I am very proud of the direction we are going in.

I am also very proud of what we have done as it relates to another absolutely critical priority, and that is children's health care. We have a health care system for low-income individuals called Medicaid. If you work, two parents or a mom may be working two jobs, maybe three minimum-wage jobs to try to make sure she pays the bills and has a roof over her children's heads and food on the table, chances are she is a low-income working parent, or a couple working together, a dad working for his children. Chances are health care is going to be too expensive—just too expensive to buy in the individual market if you don't have it through the place where you work.

Ten years ago this Congress came together in a bipartisan way under a different President to say: We want to help families who are working hard every single day, who care about their children and who are doing everything they can to do the right thing—the values we should be supporting in this country, of hard work, family, and caring about our kids.

We want to help them by putting in place a children's insurance program so that at least the children of low-income working families are able to get the health care they need. It has been a huge success. We have overwhelming support from Governors, Republicans and Democrats, and State legislatures. In fact, this is the ultimate in strange bedfellows. We have the U.S. Chamber and the business community, the labor community, health care providers, children's advocates, and consumer advocates; we have the broadest possible group of Americans with the broadest possible interests that have come together to work with us to be able to design an extension of children's health care and, in fact, to be able to include additional children who qualify under that program for working families. We passed that on a huge bipartisan vote in this Senate—enough to override a Presidential veto. The House of Representatives passed it with a very large bipartisan vote.

Today, the President, we assume, will be getting this bill. There is only one thing standing between 10 million children getting health insurance in this country, the parents of 10 million children being able to sleep a little easier tonight—there is only one thing standing between that happening and those families and that is the signature of the President of the United States.

So I am here today, as colleagues on both sides of the aisle have done, to thank our leadership—Senator REID and the bipartisan leadership of Senator MAX BAUCUS, Senator GRASSLEY, Senator ORRIN HATCH, and Senator ROCKEFELLER. They have done a magnificent job of doing what we are supposed to do: bring people's diverse interests together, develop a true compromise, and get things done.

I urge this President to look deep inside his heart, take a few moments to talk to some of these families before he puts his veto on this bill. This is one of the most significant things we will do in this Congress. It is one of the most significant moments for this President. He asked us, again, to fund a war that is not paid for. For 41 days of funding of that war, we could pay for 10 million children getting health insurance over the next 5 years. This is about values and priorities. It always has been.

In my home State, I can tell you we have 90,000 children and parents—families who are waiting and hoping and praying that this President will join with all of us in doing the right thing. Too many families are struggling. Health care is skyrocketing. These same families are being squeezed on all sides. Gas prices going up, health care costs are going up, they have challenges in keeping their mortgages, and what will happen to their jobs? Will they be shipped overseas? Will they get a pay cut? What is happening in terms of preparing to send their children to college? Middle-class families are being squeezed on all sides.

For a group of parents who are working very hard but don't have health insurance through their job, this Congress has done the right thing by passing a children's health care bill that will say at least your children will be able to get the health insurance they need and deserve.

When this President was at the Republican convention in 2004 accepting his nomination for reelection for his second term, President Bush said:

> In the new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for Government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Since that time, President Bush sent to us a budget that, in fact, as he funded it, would eliminate well over a million children who currently receive

health care under the Children's Health Care Program. We have rejected that, and we have turned to see how the program was working and found there were millions more children eligible for this very same program as the economy gets tougher and tougher for families, but the funding wasn't there to make sure those children receive children's health care as well. So we worked together, and we are now including an additional 4 million children whose families are working but have not been able to get health insurance. That, all together, equals 10 million children under the legislation we passed.

There is nothing more important we could do than to guarantee that children get a healthy start in life—whether it is the general practitioner they need to see, the dentist or whether they need mental health help. We have said the children of this country are a priority for our majority, for the Senate, for the House of Representatives.

I simply ask today at this critical moment: President Bush, please join us and sign this bill.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

Mr. DURBIN. It is my understanding the majority has its period.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. How much time remains?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining.

IRAQ

Mr. DURBIN. Mr. President, 2 months ago, I traveled to Afghanistan, Pakistan, Kuwait, and Jordan. I also traveled to Iraq with my colleague Senator CASEY of Pennsylvania. We went to talk to and listen to our top generals and diplomats but, equally important, the soldiers and marines on the front lines of this war.

This was the third time for me visiting Iraq, the first time for Senator CASEY. Two impressions really struck me. More than either of my earlier visits, I felt overwhelmed by the tragedy that has been created in that country for Iraq, for its neighbors, for America's image around the world, and, sadly, for our troops.

I was also awed and deeply moved by the skill and bravery of our troops and their love for this Nation. In a time when sacrifice seems outdated to some people, our troops are willing to endure almost inconceivable hardship and risk everything to protect us and our Nation.

When I visited Iraq, it was 120 degrees. Soldiers wore heavy body armor and backpacks and carried their ammunition, their weapons, had helmets on, drinking water every chance they had to try to stay hydrated and not suffer from heat exhaustion which had claimed the life of one of our soldiers just the day before.

Soldiers who knew who I was asked me occasionally when the politicians in Washington were going to start voting so they could come home. Despite the unbearable heat, the constant danger, longings for home, not one soldier I met in Iraq ever complained about walking point for America—not one.

We went 10 miles south of Baghdad to a place called Patrol Base Murray. I ate lunch with some Illinois soldiers from the 3rd Infantry Division out of Chicago, Aurora, Jacksonville, and Elmhurst. Most were on their first deployments. One was on his third. Half were married with kids. They try to keep in touch with things back home through e-mails, but it is tough.

They were laughing at me as I fumbled around trying to open up my MRE, a can of chicken and noodles with a built-in heater. I never quite got it right. I am glad I gave them some comic relief there, at least for a few minutes.

On August 11, after I came back home, 1 week after I visited this patrol base, two Illinois soldiers stationed there died in a roadside bomb explosion, along with two other soldiers, in a place called Arab Jabour. All four soldiers were assigned to the 3rd Infantry Division based in Fort Stewart, GA.

The Illinois soldiers lost were SPC Justin Penrod, 24 years old, of Mahomet; and SGT Andrew Lancaster, 23, of Stockton. They are 2 of the 146 sons and daughters of Illinois who have died so far in this conflict.

The same day they died, a fifth soldier from the 3rd ID died in Arab Jabour in a separate incident, while a sixth was killed in an IED blast in Afghanistan. Six soldiers dead in 1 day. Sadly, such grim numbers don't even make the big headlines anymore. After losing 3,800, I guess somebody who runs these newspapers and television stations decides it is not big news. For some people, the daily toll of soldiers killed and wounded in Iraq seems to have just become another statistic, like the weather, but not to the devastated families of these fallen soldiers, not to the children who will grow up never knowing their fathers or mothers who have died in this war, and not to the men and women with whom they served.

A week after SGT Andrew Lancaster died in Iraq, his platoon commander, 1LT Benjamin Kim, wrote me a letter about a man he considered a gifted leader and a brother. I have never met Lieutenant Kim. I can't imagine why he sent this to me, other than to share deep feelings that he just couldn't leave inside. He wanted someone else to read them. I really trust, based on what that letter contained, that he would not mind if I read his words into the record about his fallen comrade. The letter is dated August 18, 2007.

Dear Senator DURBIN: My name is Benjamin Kim, and I am assigned to the 2nd Brigade, 3rd Infantry Division as an infantry officer. By the time you receive this letter it will have been a number of weeks since you came to Iraq and visited my unit. If you recall, you came to Patrol Base Murray in southeast Baghdad near a village called Arab Jabour, and you met some soldiers from Illinois serving here. One of these soldiers was a man named SGT Andrew Lancaster, and he was a squad leader in my platoon. He was killed in action on 11 August 2007, and as I write this letter, he and the bodies of four other soldiers who died with him that day are being prepared for transportation back to the United States.

The lieutenant went on to say:

The purpose of this letter is not to seek any political action. Nor is it to recount the grizzly details that resulted in the untimely deaths of five of my finest soldiers and subordinate leaders. I do not seek to achieve anything, except perhaps to communicate to you my boundless respect for the men who serve with me in this remote corner of the world. I will probably never meet you, and I shall make no plans to do so, but I find it oddly therapeutic to write to a man of your station and rank in an earnest and sincere manner. Whether you personally read this letter or not is irrelevant; as I write this I am finding temporary reprieve from my sorrow.

He goes on to write:

Andrew Lancaster was the iconic ''Man of the Midwest.'' He was a pragmatist and he valued common sense and integrity as two of the most important traits a leader should have. He was straightforward with everything he said, and he was never afraid to speak his mind on issues that mattered to him. And yet, despite any of the pressures and frustrations that encumber a leader in combat, he kept his head cool and his professionalism was always above reproach.

He relentlessly pursued our elusive enemy with an intellect that any general would envy. There were countless times where he and I, and other leaders of the platoon, would discuss various tactics and methods we should apply in our mission, and more often than not we found ourselves listening attentively to his analysis of the situation.

He was also compassionate. In one instance, he spearheaded a platoon-level effort to capture a man who we suspected to be an IED emplacer and a high ranking insurgent in our area of operations. When we finally caught him, the insurgent knew he'd be going away for a long time. 'Caster, as we called him, gave him a final opportunity to kiss his family goodbye.

He was a soldier of the highest caliber, and yet his humility offered a pleasing contrast to his confidence in his own abilities. For all the times he furthered the interests of our platoon, I wanted to nominate him for a bronze star with a V-Device. His response was always the same—''I don't really care about awards. I just want all of us to go home alive and intact when these 15 months end.'' He was posthumously awarded his bronze star along with a purple heart; nevertheless, how ironic it is that the true heroes never want to claim themselves as such.

In his personal life, 'Caster was strongly devoted to his family. He would always sing

high praises for his wife and high school sweetheart, Tabbatha; whose outstanding cooking he would attribute both woefully and wistfully the weight gain he experienced a month before deployment. He loved her tremendously, and whenever we weren't ''talking shop'' her name was his constant refrain.

He would also speak reverently of his brother. We would listen to his stories about growing up in small town Illinois and laugh with him about all the trouble he and his brother would get into.

When he came to my platoon, he welcomed young soldiers who were far from their families to his home frequently, be it for Thanksgiving dinner or for a few beers or a football game. He made our platoon his family, and we will always cherish that bond.

I don't know what I planned to accomplish by writing this. All I know is that this man was like a brother to me, and I feel like I have to memorialize him somehow. He taught me a lot of things that I need to know about being a good platoon leader, and even now his legacy lives on in the soldiers he once led and the outstanding ways in which they conduct themselves.

I hope that I have given you a somewhat accurate picture of the man we loved, but I have a sneaking suspicion that there are no words eloquent enough to describe him. Nevertheless, I thank you in advance for taking the time to read this. Keep fighting the good fight, and we here will do the same.

Respectfully, 1LT Benjamin Kim.

SGT Andrew Lancaster of Stockton, IL, enlisted in the Army with a friend in 2002 to protect America after September 11. Before Iraq, he served as a paratrooper in Afghanistan with the Army's 173rd Airborne Brigade.

In Stockton, IL, a small town with a population of about 1,800, Sergeant Lancaster was known as Andy, the kid everybody loved, and his death really hit the folks in that community hard.

At Freeport High School, where he graduated in 2002, where he stood out in football, basketball, and choir, his teachers and coaches recall Andy Lancaster as an outgoing and responsible young man who had a way of making everyone around him happy.

When the news of his death reached that town, the high school football team posted a tribute to Sergeant Lancaster's family on its message board. Messages of support were also posted at the local ice cream shop where Sergeant Lancaster's young widow Tabby once worked.

In addition to a town and a wife who loved him, Sergeant Lancaster leaves behind his mom and his stepfather, Donna and Steve Vanderheyden; his father Harlan Lancaster; a brother, two step-sisters, and his grandparents.

He and Tabby married just before Sergeant Lancaster left for Afghanistan, and they planned to start a family when he came home. Instead, last month, Tabby Lancaster attended a ceremony at Fort Stewart at which 10 trees were planted in honor of her husband and nine other members of the 3rd Infantry Division who died recently in Iraq. Since 2003, a total of 369 trees have been planted along the base's memorial walk.

Mr. President, I regret I never had a chance to meet Andy Lancaster, but I have met so many soldiers just like him. They are natural leaders who probably succeed at whatever they choose to do in life. They certainly could have made a lot more money and lived far more comfortably, but they chose to enlist to defend our country.

Those are the kind of people we are losing every day in these wars in Iraq and Afghanistan. Like Andy Lancaster, each of them leaves a hole in the hearts of those who loved them and in the heart of our Nation. We honor their sacrifice and grieve their loss.

In a few minutes, Mr. President, we will start debating the Defense appropriations bill. It is a critically important bill. As a member of the Appropriations Committee, I know a lot of the discussion about this bill will be about numbers. This little statement that I have made on the floor, reading into the record the letter of Lieutenant Kim about his fallen sergeant, really takes this discussion and debate way beyond numbers. It reminds us of 3,800 brave soldiers, such as Andy Lancaster, who have given their lives for America, soldiers whose lives continue to be lost every single day that we continue this war.

I stand today in tribute not just to Sergeant Lancaster but to all the men and women who continue to serve us with such honor and dignity. I hope all of us who value and cherish the contributions they make will remember them in our hearts and our prayers and our votes.

Mr. President, I yield back morning business time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3222, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $31,734,076,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,338,772,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $10,291,831,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,155,054,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,672,440,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,801,985,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $595,372,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,368,897,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,947,354,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,616,560,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $28,598,563,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $33,150,380,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,061,649,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $32,599,333,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $22,445,227,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,510,286,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,187,151,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,688,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,816,103,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,800,933,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,471,745,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,971,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $444,879,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $300,591,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $458,428,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $12,751,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $295,249,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $63,300,000, to remain available until September 30, 2009.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $448,048,000, to remain available until September 30, 2010: Provided, That of the amounts provided under this heading, $12,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,273,998,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,756,979,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,122,889,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,208,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $11,697,265,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,599,744,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,094,687,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment,

appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,058,832,000, to remain available for obligation until September 30, 2010.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,703,953,000;

Carrier Replacement Program (AP), $124,401,000;

NSSN, $1,796,191,000;

NSSN (AP), $1,172,710,000;

CVN Refuelings (AP), $297,344,000;

SSBN Submarine Refuelings, $187,652,000;

SSBN Submarine Refuelings (AP), $42,744,000;

DDG–1000 Program, $2,807,437,000;

DDG–1000 Program (AP), $150,886,000;

DDG–51 Destroyer, $48,078,000;

Littoral Combat Ship (AP), $75,000,000;

LPD–17, $1,398,922,000;

LHA–R, $1,377,414,000;

LCAC Service Life Extension Program, $98,518,000;

Prior year shipbuilding costs, $511,474,000;

Service Craft, $32,903,000; and

For outfitting, post delivery, conversions, and first destination transportation, $379,811,000.

In all: $13,205,438,000, to remain available for obligation until September 30, 2012: Provided, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,376,530,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,091,897,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,133,900,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,920,219,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $854,167,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,517,127,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,246,843,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $65,092,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,355,005,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,472,210,000, to remain available for obligation until September 30, 2009: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,070,841,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and

equipment, $20,303,726,000, to remain available for obligation until September 30, 2009.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $180,264,000, to remain available for obligation until September 30, 2009.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,352,746,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,044,194,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $23,490,051,000, of which $22,650,758,000 shall be for Operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009, and of which up to $12,341,286,000 may be available for contracts entered into under the TRICARE program; of which $362,261,000, to remain available for obligation until September 30, 2010, shall be for Procurement; and of which $477,032,000, to remain available for obligation until September 30, 2009, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,517,724,000, of which $1,186,500,000 shall be for Operation and maintenance; $18,424,000 shall be for Procurement, to remain available until September 30, 2010; $312,800,000 shall be for Research, development, test and evaluation, of which $302,900,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,373,000 shall be for activities on military installations and of which $88,245,000, to remain available until September 30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $962,603,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund, $120,000,000: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for Operation and maintenance; Procurement; Research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $225,995,000, of which $224,995,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2010, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $262,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $709,376,000: Provided, That of the funds appropriated under this heading, $16,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,700,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items,

based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2008: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. The Secretaries of the Air Force and the Army are authorized, using funds available under the heading ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete phased repair projects, of which repairs may include upgrades and additions to Alaskan range infrastructure and training areas, to include improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

M1A2 Abrams System Enhancement Package Upgrades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia Class Submarine.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8014. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $31,905,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,553,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $4,477,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $875,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,060 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,428,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary

of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement, Marine Corps, 2006/2008'', $15,000,000;

''Missile Procurement, Army, 2007/2009'', $18,100,000;

''Procurement, Defense-Wide, 2007/2009'', $15,913,000;

''Research, Development, Test and Evaluation, Army, 2007/2008'', $13,300,000;

''Research, Development, Test and Evaluation, Air Force, 2007/2008'', $75,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2007/2008'', $144,000,000;

''Shipbuilding and Conversion, Navy, 2007/2011'', $300,000,000; and

''Aircraft Procurement, Air Force, 2007/2009'', $72,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless

such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense

and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b)(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c)(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located:

Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $34,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. The Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air Force'', to complete phased electrical infrastructure upgrades at Hickam Air Force Base.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $155,572,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $37,383,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, $15,000,000 shall be available for an Arrow System Improvement Program-Upper Tier program for risk mitigation and preliminary design activities to enhance the Arrow Weapon system, and $42,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8078. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: Provided, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only

be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $39,693,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8092. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8093. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8094. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8095. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading ''Research, Development, Test and Evaluation, Defense Agencies'' (106 Stat. 1121) shall be extended through September 30, 2009, in cooperation with NELHA.

SEC. 8096. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any weeklong national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8097. Up to $15,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8098. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $470,000,000, the total amount appropriated in title III of this Act is hereby reduced by $506,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $367,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $10,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8099. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8100. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8101. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8104. From amounts appropriated in this or previous Acts making appropriations for the Department of Defense which remain available for obligation, up to $20,000,000 may be transferred by the Secretary of the Navy to the Secretary of the Department of the Interior for any expenses associated with the construction of the USS ARIZONA Memorial Museum and Visitors Center.

SEC. 8105. (a) Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(b) REPORT.—

(1) Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this section.

(2) The parties referred to in paragraph (1) are the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(3) Each report submitted under paragraph (1) shall include the updated and projected annual funding levels necessary to achieve full compliance with this section. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(c) In this section, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

SEC. 8106. Not later than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit a classified report to the congressional defense committees and to the Subcommittees on Energy and Water Development of the Senate and House Appropriations Committees on the policies and procedures governing the storage and logistic movement of U.S. nuclear weapons and nuclear components through all phases of the nuclear weapons cycle from cradle to grave: Provided, That the report shall include a review and evaluation of the suitability and effectiveness of—

(1) The standards and procedures for ensuring accountability of nuclear weapons and components.

(2) The standards and procedures for the transfer of custody of nuclear weapons.

(3) The documentation used for the purpose of property accountability, custody receipting, and shipping transactions.

(4) The standards and procedures for nuclear surety inspections.

(5) The training of all personnel involved in the handling, management, and accountability of nuclear weapons and components.

This Act may be cited as the ''Department of Defense Appropriations Act, 2008''.

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee-reported substitute amendment

be considered and agreed to, the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be considered waived by this agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. INOUYE. Mr. President, I rise today to discuss H.R. 3222, a bill making appropriations for the Department of Defense for Fiscal Year 2008. The bill that I present on behalf of the Appropriations Committee was approved unanimously by the Committee on September 12. Senator STEVENS and I crafted this bill together in a bipartisan fashion. It appropriates $459.6 billion in new budget authority which is equal to the subcommittee's 302b allocation. This amount is $3.5 billion less than the funding requested by the administration, not including supplemental spending for the cost of war. It is the same level as recommended by the House.

I say to my colleagues this is a good bill, one that is critical for our Nation's defense. We believe it meets the Senate's priorities: ensuring readiness, protecting our forces, and acquiring the critical equipment that our service men and women need and deserve.

The bill fully funds a 3.5 percent military and civilian pay raise, a half percent more than requested.

It recommends adding nearly $950 million for the Defense Health Program to ensure that the health of our military families is protected. This includes $486 million above the budget request to support our military hospitals which suffer from significant shortfalls and are stressed by our wounded heroes returning from war.

The Appropriations Committee included $1 billion above the President's request to purchase equipment for our National Guard and Reserves recognizing the serious shortfalls that exist in our reserve components.

It fully funds the Army's highest priority, the Future Combat System.

It supports the purchase of 20 F–22s and 12 Joint Strike Fighters as requested.

The bill includes $470 million to support a multi-year purchase of the *Virginia* class submarine, and provides full funding for the V–22 for the Marines.

It would fund the authorized level for the Missile Defense Program, about $300 million below the request.

As my colleagues all know, this is a massive bill, with thousands of programs. While most of the administration's proposal is funded as requested, the bill is not a rubberstamp. Senator STEVENS and I have recommended reductions in many programs because of schedule delays, cost increases, or other similar problems. In each case it is our judgment that the funds should be reapplied to other areas to address other urgent needs. In doing so, we have been able to increase funding for health care, National Guard equipment, a higher pay raise, and many other worthy initiatives.

We should also raise the subject of earmarks in this measure. As you know, the Congress passed new legislation which requires that the committee identify each congressionally directed spending item, which we commonly refer to as earmarks. I want to point out that this bill includes more than $4 billion in adds which were not requested by the President. However, under the definition in S. 1 very few of these items are earmarks. For example, in many cases, the committee chose to provide funding for items not because they were requested by a Member of the Senate, but because of the national merits of the program. Under the definition in S. 1, these are not earmarks. None the less we have included in the report the name of all Members who requested such increases. In fact, to ensure full transparency the committee report not only lists the few earmarks that are required by law, but includes any item funded by the committee for which a Member sought an increase above the President's request. We have gone way beyond the legal requirement to increase transparency. We have nothing to hide in the funding that we are recommending in this measure. I am confident the Members who requested these funds have no reason not to have their names listed.

Today is October 2. We have already started a new fiscal year. Our Defense Department is operating on scaled back funding under a short term continuing resolution. That is no way to provide for our common defense. It is critical that we expedite the consideration of this measure to ensure that our men and women in uniform and their families have the funding they need for their pay, their hospitals, their housing, and their schools. The funding that we recommend in this measure to equip our forces is critically needed as soon as possible.

We understand the desire of many Members to address policies which relate to the war in Iraq. The war is extremely controversial; our Nation is divided. This matter is so serious it deserves the Senate's full attention and thoughtful debate, but that will take time. While we don't all agree on the proper course in Iraq, there remains one thing in which there is universal agreement. We must support those who are willing to wear our Nation's uniform and make the sacrifices to protect the rest of us. That is a huge sacrifice.

We hope that in the coming weeks the Senate will consider a supplemental spending measure to address funding for the wars in Iraq and Afghanistan and the global war on terrorism. We would urge our colleagues to hold off on supplemental related issues until that bill is considered.

To this end, I have resolved to oppose any amendment which could jeopardize quick enactment of this bill. We can best show our support to the military by completing action on the fiscal year 2008 Defense appropriations bill as quickly as possible. I hope all of my colleagues will be able to endorse these recommendations and work with us to pass this legislation. Our men and women in uniform deserve no less.

I yield the floor. I hope the Chair will recognize the vice chairman of the committee.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to endorse the comments of the chairman of our subcommittee regarding this Defense appropriations bill for fiscal year 2008 to the Senate. This bill does reflect a bipartisan approach. This is the approach Senator INOUYE and I have always maintained regarding the Department of Defense appropriations. The fact is this bill was reported out of the full Appropriations Committee almost 3 weeks ago by a unanimous vote. We hope, as the chairman of the subcommittee said, to finish this bill this week so we can proceed to conference as soon as possible after the October recess for Columbus Day.

Our fiscal year began yesterday. Normally this bill would have been signed by the President by this time. But it is a matter that still has extreme urgency, as far as I am concerned, to get it before the President. As Senator INOUYE has said, as a temporary measure we do have the continuing resolution in place to keep operations ongoing in the Department of Defense until this bill becomes law. That is a temporary measure. There are many acquisition activities that simply cannot be initiated under a continuing resolution. They require an annual appropriations bill to be enacted.

Under the continuing resolution, there are very limited amounts available each month to the Department. That is not sufficient to sustain a force in the field as we have in Afghanistan and Iraq. As a matter of fact, there are hundreds of thousands of men and women in uniform deployed throughout the world. They serve our country now in over 154 countries, and in our own country here, in the United States. Their bravery and dedication to our country is extraordinary and their sacrifices do not go unnoticed. We must not lose sight of our responsibility to support them in an expeditious manner, and completely. These people depend on us and it is our job to see to it they have all of the supplies, ammunition, and equipment they need to carry out their orders.

Each year the Department of Defense faces the critical challenge of balancing the cost of maintaining high levels of readiness, being ready to respond to any call wherever it occurs, whenever it is necessary. This means we must adequately invest in those technologies that will prepare us for the future, prepare us for the threats of

tomorrow as well as conduct the activities we have ongoing in those 154 countries and in particular in Iraq and Afghanistan.

The bill Senator INOUYE and I present today reflects a prudent balance among those challenges. I concur—may I say I concur reluctantly—in Senator INOUYE's request that we not have supplemental items added to this bill. This is the first year we have not had, as part of the bill, a so-called bridge to cover the transition between one fiscal year to the next, in terms of the demands of the war. Very clearly, if we are going to send the MRAPs over to Iraq—these are the new vehicles that protect lives, that are saving lives—we need funding in advance. I am told we have over 30 different manufacturers working on these machines now. They have to be paid. I do believe the supplemental is absolutely necessary and I am very worried about it. It is to me a very difficult thing to believe the time might come when we do not have the money to pay for these MRAPs and they will stay in this country rather than be taken to Iraq and Afghanistan.

There are other new facilities and equipment that are needed by the Department of Defense. This is an ongoing. I was talking to my colleague Sid Ashworth today about the transformation of the military. At the same time as our people are fighting in Iraq and Afghanistan and are defending us in these other 152 countries, we face the problem of transforming our military into the military of the future. New technologies, new techniques, and new requirements demand change. That change demands new equipment and new research to assure we have the basic equipment and technology base we need to protect this country for the future.

I worry about a process that is slowing down the money that now for 4 years has been presented in a supplemental, an addition to this bill as it was passed. This will be the first year we have not included that in the consideration of the appropriations bill. As I said, I am following the lead of our chairman, but I do believe we cannot go home this year without providing the money to carry over through the new year and into the period of next year before we can get another bill passed.

This is, to me, a very serious matter and one I hope to speak on later, at great length, as a matter of fact. But I do again thank Senator INOUYE, our chairman, for his courtesy, his leadership, and his friendship as we move this bill to the floor.

We welcome for consideration any amendments our colleagues wish to present.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, on August 2, 2007, by a vote of 83–14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule 44, the chairman of the committee of jurisdiction is required to certify that certain information related to congressionally directed spending has been identified.

The required information must be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested. And, the committee is required to make those certification letters available on the Internet.

The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending.

This information is contained in the committee report numbered 110–155, dated September 14, 2007, and has been available on the Internet for 2 weeks. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the record the certification by the chairman of the Committee on Appropriations.

I send to the desk such certification and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–155, filed on September 14, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

AMENDMENT NO. 3117

Mr. GRAHAM. Mr. President, I have an amendment I would like to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, and Mr. MCCAIN, proposes an amendment numbered 3117.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of United States borders)

At the appropriate place, insert the following:

SEC. ____. BORDER SECURITY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Border Security First Act of 2007''.

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109–367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, this amendment I have offered would appropriate $3 billion in emergency spending for border security operations. It is virtually the same amendment we had on the DHS appropriations bill.

The amendment will allow purchases to be made for unmanned aerial vehicles, ground sensors, and vehicle barriers. It provides funding for the construction of 700 miles of fencing. It would establish operational control over all of our borders. It provides funding to obtain more bed space to detain immigrants for overstaying their visas, and it provides funding for States and localities that undergo training to assist the Federal Government in enforcing immigration law.

There has been a veto threat on the DHS bill. I am hoping that this amendment, which passed 89 to 1—a similar version of it on the DHS appropriations bill—will find its way on this legislation, which I hope will get signed into law by the President.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, is the pending business the Graham amendment?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 3119 TO AMENDMENT NO. 3117

Mr. GREGG. I send an amendment to the Graham amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3119 to amendment No. 3117.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 1 day after the date of enactment.

Mr. GREGG. Mr. President, I rise in support of the Graham amendment. It is an amendment which I have been involved in helping to develop. It is an amendment that was offered on the Homeland Security bill, and essentially it is the same concept. The purpose of this amendment is something on which I think there is general agreement in the Senate, which is that we supply adequate resources to make sure that our border is secure.

Now, this is an effort we have been pursuing for quite a while. I had the good fortune to be chairman of the Subcommittee on Homeland Security of the Appropriations Committee, and during that time we dramatically increased our commitment to border security, especially in the area of the number of agents, in the area of the number of detention beds, in the area of fencing, in the area of electronic and virtual fencing, and in the area of making technology available and support facilities available to border security agents, and the ICE agents. It is a ramping-up process, however, and there is still a ways to go, although we have made very significant strides. Unfortunately, in our opinion, on this side of the aisle—and this amendment was agreed to by the other side of the aisle for all intents and purposes when it was offered on Homeland Security—there is a need for additional funding to make sure that we put in place the resources which will basically assure the American people that the southern border can and will be secured.

Now, what does that require? Well, this amendment doesn't put specific numbers relative to the number of agents or detention beds or fencing, but what it does put in place is an additional $3 billion in emergency funding, which will essentially go toward three major areas, the first of which is agents. We know that we need about 20,000 agents on the border. We know we are headed toward that number, but we know it is going to take a significant increase in funding for us to get to that.

Now, we wish we could sort of wave a magic wand of dollars and produce these agents overnight, but we can't. These people are highly skilled. They require special qualities as individuals. They have to be obviously law enforcement individuals, but they also have to speak Spanish. They have to have the character and the personality to be able to work in a very intense environment and deal with very threatening situations, while at the same time dealing with people who are coming across the border and trying to make a better way of life for themselves and shouldn't be treated in a criminal way but should be treated as decent human beings trying to seek a better way of life in the United States, who try to come in inappropriately but having to go back. Handling that type of situation requires a little bit more care and sensitivity than dealing with somebody who is coming across to sell drugs.

So the individuals we need to attract into the border security effort are high-quality, high-caliber individuals. You can't gather them up overnight. It takes awhile to get the applicants and then put them through the schooling process, and it does take money to do that. This amendment will allow us, to the extent that we can find these types of individuals to populate this workforce, to do exactly that so we will have a full complement of agents on the southern border.

In addition, it will add detention beds which are critical. There is a belief that we need around 33,000 detention beds, I think is the number. We are headed toward building out a significant number of detention beds, and this amendment—or the dollars in this amendment—will give the Department the resources it needs to accomplish the additional detention beds.

Why are detention beds important? Because we have gone from a policy which was essentially catch-and-release of 2 years ago, or 3 years ago, to a policy where we actually catch and hold people. We no longer say come back in a few months after we catch you crossing the border illegally; we would say come back in a few months and appear before the court, and what happened was people never came back. We would send them off and they would never return, not surprisingly. Now we hold these folks, and we make sure they have their day in court, that they receive the proper protections of our law enforcement system, but that if they are found to have entered this country illegally, they get sent back. But it takes money, and that is why this amendment is important.

Thirdly, we are building a fence in those areas, a physical fence in those areas where we need fencing. Fencing isn't appropriate for the entire border, but in our more urban areas along the border, it is appropriate, and it is expensive. So this money in this bill will allow us to complete the fencing commitments which we think are necessary. Equally important, it will put in place the operations of what amounts to what we call a virtual fence, but it is a real fence. There will be towers essentially. We have a tremendous electronic surveillance capability, oversight capability through unmanned aerial vehicles. All of this has been put into the works, and we are in the process of building out this system of surveillance in nonphysical fenced areas but areas which will have basically an electronic fence and a visual capability. But that, again, costs a lot of money. So this amendment fully funds the movement in that direction. That is what we need to do. We need to spend this money.

Now, it is a lot of money, $3 billion, there is no question about it. But I see it very much as part of the war on terror, as a necessary element to protecting our culture and our society. A country which can't control its borders, which doesn't know who is coming across its borders, is a country which is at considerable risk. It is at considerable risk for a lot of reasons, but obviously the primary reason is the threat of terrorism. We have an obligation to our citizenry to make sure as people come across the southern border, we know who they are and we know that they are coming across legally.

I think the American people have grown—and rightly so, I am afraid—a little cynical about our efforts on the southern border. They see us say: Well, we are going to secure the southern border, but then they don't see us putting the resources on the border to accomplish that. These dollars will complete the debate on the issue of resources. The dollars will be there. Whether the management capability is there, whether the build-out capability is there, that is still an issue—I admit to that—but at least the dollars will be in the pipeline to accomplish this goal.

So as a practical matter, I think this is a very important step forward. I congratulate the Senator from South Carolina, who has been a leader on this effort for awhile. He was obviously a leader on immigration reform, and he has backed up his words on immigration reform, in that the first step in effective immigration reform is effective border security.

That is true. That is essential. He has backed that up with this amendment which puts the dollars in place to accomplish this. That is a corollary to this whole debate, which is that we do need to significantly overhaul our immigration laws, make them more appropriate to the times and to the situations. But you cannot get the public

confidence to do immigration reform unless the American people believe at the outset that our border—especially the southern border—is secure from people being able to cross willy-nilly into this country illegally.

These dollars will put in place the resources necessary to accomplish that, to make sure our southern border is secure on the issue of crossings. It may take a couple years for them to bear fruit because there is not an instant response with the hiring of agents. But the fact is that the resources will be in the pipeline to accomplish that, and the American people can have confidence that it is going to occur.

I congratulate the Senator from South Carolina for his amendment. I am happy to join him as a cosponsor of the amendment. I hope it will be adopted unanimously or with a large majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

RECESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3126

(Purpose: To prohibit waivers for enlistment in the Armed Forces of individuals with certain felony offenses)

Mrs. BOXER. Mr. President, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3126.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

Mrs. BOXER. Mr. President, I thank the clerk for reading my amendment. I had it read because it is such common sense. I think if you went out on the street and you asked any American: Do you think there are people serving in the military who, within the last 5 years, were convicted of aggravated assault with a deadly weapon or a sex crime or a hate crime or making a terrorist threat that was a phony terrorist threat? They would say: Oh, no; no one like that would be let in, not if they did something like that within the last 5 years.

That is what leads me to this commonsense amendment. It is hard for me to believe I have to fight for this. This amendment may not pass, which is stunning to me when I think of how clear the issue is.

I guess I would ask a mom or a dad who has a son or a daughter over there, would they want their child in a foxhole with someone who was convicted twice of assault with a deadly weapon. Do you want someone in a foxhole with your son or daughter who was convicted of a sex crime? I think they would say no.

So here is where we are. In recent years, the U.S. Army in particular has dramatically increased the number of waivers it grants for admission into its ranks of those convicted of a felony. Now, let me be clear. It is against the rules to allow anyone to come into the military who has a felony conviction. However, there is a loophole which says waivers can be granted in certain circumstances.

Now, I totally understand. For example, let's say as a young man or woman some potential recruit tried drugs because it was the thing in his school. He did it, but he regrets it and is over it. He was convicted, but he has promised never to use drugs again. OK, give someone a chance. That is the American way. Give someone a chance. But for these particular felonies, which I will outline again and explain what they are, I think if someone has been found guilty within the last 5 years, it is an open-and-shut case.

Now, I understand the Army is under incredible strain right now and is facing a difficult recruitment environment. I realize there may be times that they are going to ask for these waivers. I know they do it for health reasons and other things, but there is a point at which it goes too far; that is, the point at which it is dangerous. When you hear about the increase in felony recruitment, you will agree it is alarming. Rather than strengthening our military, it weakens our military.

Listen to these numbers: In 2004, the Army granted 360 waivers to recruits with felonies on their records. In 2005, the number grew to 571. And in 2006, the number grew to 901. The 901 figure is a 59-percent increase over the 2005 number, and a 150-percent increase over the 2004 figure. So I believe the spirit of the law that allows these waivers is being violated. Nobody thought that it would reach these proportions.

Again, I think people deserve a second chance in this country if they have served their time and they are rehabilitated. That is why I have in this amendment a 5-year cooling off period so we know that they have been clean for 5 years of these types of crimes. But the Army should not drastically lower its standards because it cannot find enough recruits, and it should not seek out individuals who have had disturbing personal histories involving violence.

I just read in the newspaper the other day that the military is going to these criminals if they are undergoing rehab. They go right there. Army recruiters actually attended a job fair for ex-convicts in Houston in August of 2006. Many experts believe this is leading to a spike in gang activity in the military. Listen to this FBI report: ''Gang related activity in the U.S. military is increasing.'' This is a direct quote. ''Members of nearly every major street gang have been identified on both domestic and international military installations.'' According to this report, these members can ''disrupt good order and discipline'' while in the military.

Here is the alarming part, and this is the FBI—the Federal Bureau of Investigation—speaking, not Senator BARBARA BOXER or any other Senator. Upon discharge, ''they may employ their military training against law enforcement officials and rival gang members and such military training could ultimately result in a more organized, sophisticated and deadly gang as well as an increase in deadly assaults on law enforcement officials.'' The FBI is saying that an abuse of these waivers is leading to a more dangerous America, more dangerous for law enforcement—more gangs.

This is not what our country needs. It is not what our wonderful brave men and women in uniform need right now. They have enough problems to deal with in Iraq. They are in the middle of a civil war. This President has no plan to get them out. While the military says there is no military solution, this President is doing nothing about a long-term solution. We find our young men and women in harm's way in the middle of a civil war in a mission that has changed about five or six times, and now they have to worry that they are serving next to someone who has been convicted of aggravated assault with a deadly weapon, arson, terrorist threatening, or sexual misconduct—imagine, with all they have to worry about.

I am going to share with my colleagues a chart that I do not believe has ever been made public before. This is the list of all the different felony waivers that have been granted—adult, juvenile, and the total. Look at this list of waivers that has been granted. I am going to go through, for my colleagues and for the American people to see, what crimes have been committed by recruits.

I mentioned the top two and aggravated assault with a deadly weapon, then arson, attempt to commit a felony, breaking and entering, burglary with burglary tools, a bad check worth less than $500, embezzlement, forgery, hate crime, larceny, narcotics, negligent vehicular homicide, riot, robbery, sexual misconduct, stolen property knowingly received, terrorist threatening, unauthorized use of a motor vehicle, criminal libel, illegal or fraudulent use of a credit card—$500 or more—perjury or subornation of perjury, car theft, mail—abstracting, destroying—indecent acts with a minor, manslaughter, kidnaping or abducting a child. Kidnaping or abducting a child? We took in three recruits.

What I have attempted to do is pick out the ones I believe would be an open-and-shut case here of where we would not want someone recruited into the military who has been convicted of these particular crimes: aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. There were 13 of those.

I want to protect our men and women in uniform. I have deep respect for them. In my State, we have lost more than any other State—23 percent those killed in Iraq have been from or based in my State. I want the men and women from my State and every other State to feel comfortable that their buddies will truly be their buddies and that they share the same values of right and wrong. I want to keep it that way.

Larry Korb, who served as Assistant Secretary of Defense under Ronald Reagan, said, ''The more of those people you take the more problems you are going to have and the less effective they are going to be.'' This is Larry Korb, who served as Assistant Secretary of Defense under President Reagan: ''The more of those people you take the more problems you are going to have.''

GEN Barry McCaffrey, who commanded U.S. forces during the gulf war, said, ''By and large these are flawed recruits. Those getting waivers won't be sergeants.'' General McCaffrey pointed to the lessons of postwar Vietnam. ''It took us a decade to take a fractured Army and turn it around. We don't have 3 years this time.'' That is Barry McCaffrey.

Retired LTG William Odom, who was the Army's chief intelligence officer from 1981 to 1985, has called the increase in waivers ''disturbing.'' The Army's chief of intelligence for 4 years called the increase in waivers ''disturbing.''

The last thing our servicemembers need to worry about is whether there are violent felons in their ranks. It sets back the quality of our forces. It can severely set back our mission.

I would like to share one particular story about lowering standards. I think we are all very familiar with the story of PVT Steven Green. As you will remember, Private Green is the soldier charged with the deaths of an Iraqi family of four. According to the reports, Private Green went to the home of an Iraqi family with three other soldiers. He ended up raping the 14-year-old daughter before killing her and setting her body on fire. He is also alleged to have killed the other family members. This turned into an international news story that once again brought negative attention to our country, infuriating Iraqis and making the lives of our troops that much more difficult.

Private Green was admitted to the Army after being given a waiver. In the case of Private Green, it was a waiver for a misdemeanor offense, and I am not even stopping that with my amendment. I am not even stopping that with my amendment. I am going to the most egregious crimes. That story illustrates the potential consequences of going down a path where standards are dramatically lowered.

Let me spell out specifically how my amendment addresses the issue. The amendment simply says the military cannot offer a waiver for enlistment to the Armed Forces to individuals convicted of these felonies: aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. They cannot get a waiver if they have committed any of these and they were convicted of it in the last 5 years.

If someone stands up and says: Give people a second chance, then they have not read my amendment because we are giving people a second chance. We are saying: If you are clean for 5 years, OK. And we are not even touching all these other waivers—unauthorized use of a motor vehicle, car theft, even indecent acts with a minor. I will tell you, if I had my way, I would put that one on—and kidnaping—but I just picked five.

So we provide for a cooling-off period, and we believe that cooling-off period—5 years clean—will give the military some information that people are, in fact, on the straight and narrow path.

Unfortunately, we do not see the global challenges we face going away. We need our men and women in uniform not only to be soldiers but to be ambassadors to the world. They are the best we have. This amendment helps to ensure we have the right men and women to do that job. I hope we will get support for this amendment. I say to my colleagues who vote against this amendment, the only message you are sending to the people who are serving honorably is: You know what, we are so desperate, we are willing to put you at risk.

Again, I ask a rhetorical question: How would you feel if your son or daughter or grandson or granddaughter wound up in an awful situation with someone who had committed and was convicted of aggravated assault with a deadly weapon?

There is one more thing I would like to do before I yield the floor, and that is to describe these felonies, how they are defined.

Arson, generally, is the malicious burning of another's dwelling. It can be intentional or a fire set with reckless disregard of obvious risks, in some States. Seven waivers were granted for arson.

Aggravated assault with a deadly weapon is the intentional creation of reasonable fear of imminent bodily harm by use a deadly weapon. An example would be pointing a gun at someone, pointing a knife, swinging a baseball bat, threatening violence or harm with a weapon in a manner to create a reasonable fear of imminent bodily harm—40 waivers for that.

Terrorist threatening: intentionally making false statements regarding a weapon of mass destruction such as placement on a government or school property—essentially placing a fake WMD on government property without permission; threatening to cause death or serious injury for the purpose of terrorizing others, their property, school, or teachers; a false statement that could cause dangerous evacuation from buildings or airports. It could be bomb threats, threats of poison-laced letters, or threats of mass shootings at school. Waivers granted there.

Hate crimes. Most of the States penalize crimes of violence or intimidation based on race, color, religion, national origin, and when we are looking at our military we are looking at the face of diversity, and someone who has been convicted of a hate crime within the last 5 years—I think they need to think about what this country stands for and how it is based on equality for all before they are taken into the military.

Sexual misconduct. Rape, sexual assault, forcible sodomy, sodomy of a minor—those are nonwaiver, but the category that is waiverable is solicitation of sex, indecent exposure, illegal possession of pornography.

So these are crimes which I think simply are too much to ask our men and women in uniform to deal with in new recruits.

I would point out something else. Because the Army has been so desperate to get new recruits, they are paying tens of thousands of dollars, and now we have a situation where these convicted felons are getting this money, to boot. It may not be that many people—maybe we are talking about 100. Overall, it has been 90+. We are making a point here that our men and women in uniform deserve better protection than this. We fight so hard, and we must fight to get them the bulletproof vests, to get them the up-armored HMMWVs

to protect them from IEDs, from all the horrors they face. Yet we allow into the military—indeed, we pay bonuses to get into the military—people who have been convicted of very serious crimes. It is not fair, it is not right, it is not just, and I hope there will be strong support for this amendment.

I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second. There are no Republicans on the floor.

Mrs. BOXER. OK. We will ask for that later.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I find it, firstly, very difficult to speak in opposition to this amendment. But I do so after consulting with the senior members, the chairman and the vice chairman, of the Armed Services Committee, the Senator from Michigan, and the Senator from Arizona.

I have been assured that after due consideration and investigation, they have been convinced that the process of waivers does work. In fact, the investigation has suggested that those who have served after receiving such waivers have done much better in serving our Nation than those who came without any crime.

We should keep in mind that when we speak of certain crimes, there is no standard rule throughout the United States. In different States, certain activities are considered criminal, in other States it is not even mentioned.

I was an assistant prosecutor a long time ago. I find that in certain States certain activities are considered conservatively and other areas very liberally. For example, in recent days, we have been hearing much about the demonstration in Louisiana on the Jenna 6. Would that be a crime in other States? In other communities? I do not think we have the answer because we know that, depending on jurisdictions, certain activities may be criminal and in others of no concern.

Whatever it is, on behalf of the Defense Appropriations Committee, I am calling on the leadership of the Armed Services Committee to conduct a thorough further investigation on this matter. If it does work, and if it is necessary to provide waivers to get certain skills into our military, then we should be told why.

But as of this moment, I cannot ignore the advice that I have received from my colleagues who are leaders of the authorizing committee. So, accordingly, at the appropriate time, I will make a motion to table this amendment.

Before I do, if I may be very personal about this, I have been a victim of hate and hate crimes, so I do know something about hate crimes. If you can imagine my returning from World War II in my full regalia, uniform with four rows of ribbons, with a hook in my right hand, and going to a barber shop, and they looked at me and said: Are you a Jap?

When I told them, no, I am an American: But your parents, are they Japs?

And I have to say: Yes, they are Japanese.

Well, we do not cut Jap hair.

Well, in some jurisdictions, that was appropriate and proper. Today we do have jurisdictions where we do have segregation, maybe not legally but understandably we do.

So as I have indicated, at the appropriate time, I will make a motion to table the Boxer amendment. It is not a happy deed. But I believe at this moment, under the circumstances, I am compelled to do so.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from California.

Mrs. BOXER. Madam President, I note the Senator is waiting to be heard. I will be brief, but I do want to respond.

I so appreciate the fact that Senator INOUYE spoke to our colleagues on the Armed Services Committee. But I do think we need to use our own brains and our own common sense. I do think when I look in the eyes of parents who are sending their kids into the military, they need to know, they need to know that in addition to the dangers of this war, in addition to the danger of being thrust into the middle of a civil war, they should not have to deal with the danger of a convicted felon who has used a gun and put that gun against somebody's head within the past 5 years.

We all know that the committees are very close to the military. I understand that. But is not there a time for us to stand up and show a little spunk and spine here and state the obvious, that although we all support waivers, because there are certain cases where a waiver may make sense, there is such a thing as an abuse of a waiver. If you look at the numbers and see we are up to almost 1,000 of these waivers, things are getting out of control.

Now, I know that both the Armed Services Committee, the authorizers and the Appropriations Committee, which are very powerful committees, do not like this amendment. They want me to go away. They have offered now twice, the authorizing and appropriations: Will you not take a study and go away?

Yes, I want to have a study. But, no, I do not think we should walk away from this. This is a commonsense amendment. This takes five of the whole list of crimes—and I will repeat what they are: arson, aggravated assault with a deadly weapon, sexual crimes, hate crimes, and making a terrorist threat.

I think for this year, do not pay bonuses to these people who have been convicted of these crimes for the last 5 years and do not take them into the military. That would send a signal to the military that they need to do their own study. It is stunning to me that we would have to have a study about this—the DoD does not even want to study this thing. They just want to meet the recruitment goal.

We all want them to meet their recruitment goals, but if it means putting someone, a dangerous criminal, next to one of my men and women in uniform, no thank you. It is tough enough to survive Iraq. We have worked with veterans on this amendment so we have gotten it to the point where, yes, we give people a chance to turn over a new leaf.

I am disappointed that Senators INOUYE and STEVENS do not support this amendment, but I am not surprised. I am going to keep talking about this issue because this status quo is not good for our troops.

I yield the floor

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to talk about the underlying appropriations bill. First, let me thank the chairman and the ranking member of the subcommittee. I think the work they have done on this bill is very important.

I wish to talk especially about the issue of the bomber fleet in this country: B–2s, B–1s, B–52s. I do that for a very specific reason.

Right now a lot of our soldiers are in the field, in harm's way. They strap on body armor in the morning, get shot at that day. We are at war. All of us want to make certain our soldiers who have answered the call have everything they need to do what they need to do.

I do think, however, there are times in the Pentagon when a substantial amount of money is spent, far more than is necessary, and there is some waste. I wish to describe one of the things I find interesting and also somewhat troubling.

Our bomber force is a part of the force that gives us air superiority. When you provide air superiority and have control of the air it has a tremendous impact on our ability to fight a war. We have seen some recent examples about what impact that has.

Part of that force is made up of B–52 bombers. They were produced decades ago. They are kind of the ''gray beards'' of the bomber fleet. They are essentially bomb trucks that will haul

weapons to various parts of the world. The newest ones were built in the 1960s. But, of course, most of the plane has been rehabilitated and changed, the electronics and so on.

Former Air Force Chief of Staff GEN John Jumper said the B–52 and other aircraft will have greater access to targets in the future because of the F–22. With its stealth and supercruise characteristics, the F–22 will be able to precede other aircraft into combat zones to clear out any threats.

So we have been told we should fund the F–22. I have supported that. The F–22 is an unbelievably effective next-generation fighter. We are told we should support that because the F–22 goes in and essentially clears out the airspace; knocks out the radar and knocks out all things that could be a threat to our bombers and other aircraft, at which point the airspace is owned and you can bring in a bomb truck, for example.

Well, here are the costs of flying our bombers. The cost is: $78,000 an hour to fly a B–2, $48,000 an hour to fly a B–1, and $34,000 an hour to fly a B–52.

We are told the B–52 will be usable for another 30 years. Yet we are told by the Air Force planners that what they would like to do is retire the least costly bomb truck. That way, after we have cleared the air threat and have air superiority, they want to fly the most expensive bomb trucks in and have the least costly bomb truck retired. It makes little sense to me, from a taxpayer standpoint, but that is what we would try to do.

It also doesn't make sense when we look at the new bomber the Air Force is planning on. The earliest date it might be available is the year 2018. Of course, that will slip. They all slip.

The new bomber, we are told, that when completed, would have an unrefueled range of 2,000 miles. The B–52 has double that and more. The new bomber will have a weapons payload of 14,000 to 28,000 pounds; the B–52, 70,000 pounds.

Not only does the B–52 have more endurance and more payload than the new bomber. The B–52 is also fully paid for. It is usable for three more decades, and it flies at much less cost than the other two bombers we now have. But the Air Force wants to take a good number of B–52s and retire them at Davis-Monthan.

I make the point that the authorizing committee has indicated the Air Force should keep 76 of the B–52s. As we work through this and look at what our bomber fleet should look like, I think it will become clear that keeping the B–52s makes sense both for our defense capabilities and for the effect on the American taxpayer.

Mrs. BOXER. Will the Senator yield for a unanimous consent request?

Mr. DORGAN. I am happy to yield.

AMENDMENT NO. 3126, AS MODIFIED

Mrs. BOXER. Madam President, I have sent a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

(6) Kidnapping or abducting a child.

(7) Indecent acts with a minor.

Mrs. BOXER. I thank the Senator.

Mr. DORGAN. Madam President, how much time have I consumed?

The PRESIDING OFFICER. About 7 minutes.

Mr. DORGAN. I want to make a couple other points that are not related to this specific bill but to the emergency supplemental appropriations bill for the continuing Iraq War and fight against global terrorism. We have a $152 billion request in front of us with another $45 billion expected on top of that. All of this is emergency spending and none of will be paid for. This will take us to the neighborhood of three quarters of a trillion dollars or more, when spent, with respect to the war in Iraq and Afghanistan and other related matters. All of these costs will be added directly to the federal debt.

During wartime, in most cases, this country has decided it should pay for things that we consume and pay for the cost of wars. We did it in the Civil War. We did it in the Spanish-American War. We did it in World War I and World War II and other wars. We began a process by which we tried to pay for some of that which the war was costing.

The question about whether we should commit ourselves as a country to pay for war is an interesting question. In the Iraq war, our soldiers were sent to fight, and President Bush indicated we could best serve our country by going shopping. We should go to the mall to keep our economy moving.

We could also best serve our country, in my judgment, by deciding not to send our soldiers to fight and then come back later and pay the bill because we decided to charge all of it—every penny of it borrowed.

Let me read something Franklin Roosevelt said during one of his fireside chats:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . .That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure . . .

President Johnson said:

The test before us as a people is not whether our commitments match our will and courage; but whether we have will and courage to match our commitments.

When the emergency supplemental bill comes to the floor of the Senate this time, I am going to ask if we should begin to pay for some of this and to begin to ask for some sacrifice. At least in the easiest of areas for all of us to make a decision, let me show you $23 billion of revenue right now that we might use to offset some of that which otherwise will be described as emergency. I have a piece of legislation that will shut down offshore tax haven abuses. This is one I described 2 years ago on the floor of the Senate. It is the Ugland House, a five-story white house in the Cayman Islands, that is home to 12,748 corporations. They are not there. That is a legal fiction created by lawyers to allow those companies to avoid paying the taxes they owe in the United States. I have a piece of legislation, S. 396, that says if U.S. corporations are going to set up a paper company in an offshore tax haven simply to avoid paying taxes, it is not going to work. We close that loophole. Here is an obvious one we could change immediately: end abusive foreign sale and lease transactions. We can use some of these to pay for some of that which we are spending on the war. This is a case of the lease of 65 streetcars in Germany by a United States corporation, First Union Bank. Here is one in which Wachovia Bank bought a sewage system in a German city. Do they want to own a German sewer system? No, they want to save $175 billion in taxes through a tax loophole. We could close this right now.

I am going to suggest, when we bring another emergency bill to the floor—in this case nearly $200 billion—that maybe it is long past time for us to meet the obligation we have; that is, to ask all of us to sacrifice a bit. In this case, ask those who have exercised huge loopholes to avoid paying taxes in the United States. This is a picture relating to another bill I have. This is called the Radio Flyer. I expect every Member of the Senate when they were little toddlers rode in a little red wagon called a Radio Flyer. This was made in Illinois. It was made by an immigrant who over a century ago built the company that created the Radio Flyer. The reason he named it Radio Flyer is, he liked Marconi. He enjoyed airplanes so he decided to call his little red wagon the Radio Flyer. Guess what. After a century this is gone. There are no more red Radio Flyer wagons built in America. They have all gone to China. And by the way, the company that shut down the plant in the United States and moved the red

wagons to China in search of cheap labor got a tax incentive from this Congress to do it. We can shut that down immediately.

So these three ideas and a temporary 1 percent emergency tariff on imported foreign goods would raise some $23 billion in the first year alone. Do we need to wait? Do we need a month, a year, 10 years? I don't think so. All we need is the will and the commitment to do what is right. With respect to these issues, I believe we could do plenty of things that would begin to reduce the cost that will inure to our soldiers, who valiantly fight when asked to, when they come back and discover we have spent a lot of money but we charged it all. So they get to fight today and pay the bill tomorrow. I think we can and should do much better than that.

I have described in shorthand four proposals that I hope we will consider when we do the second piece of this issue of Defense appropriations.

Senator INOUYE and Senator STEVENS worked very hard on this legislation. This is one of the largest bills we consider in the Senate. There are a lot of issues, some very controversial. I appreciate the work they and their staff have done to put this together. It is not an easy appropriations bill to do. My hope is that as we work through this in the next day or so, we will be able to have final passage in a couple of days and get this into conference so we can resolve all of these issues.

I thank the chairman and ranking member for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I want to start where the Senator from North Dakota concluded his remarks, to express the gratitude of Delaware for the fine work the appropriations subcommittee has done, the leadership of Senator INOUYE and Senator STEVENS, their staffs, the other members of the committee. One of the letters I sent to Senator INOUYE and Senator STEVENS several weeks ago was a letter calling on them to not rescind, through legislative language in the appropriations bill, the 2004 Defense authorization language which said we were not going to allow the Air Force to retire any additional C–5 aircraft until the first three had been fully modernized, flight tested, and then evaluated. A number of us signed that letter and a number of us in the same letter also called for the Appropriations Subcommittee on Defense to endorse the President's budget proposal for fiscal 2008 with respect to C–5 modernization. The subcommittee has done that. I thank them in a very public way for their attention to our request.

Today we are considering an important bill, one that provides funding for our troops, many in harm's way around the world, others in different phases of training or in some cases retraining or rest after they have been deployed abroad. As we vote to appropriate these funds for our Nation's defense, we are reminded of one of the fundamental duties of our military. Our Armed Forces are charged with providing our Commander in Chief and military leaders with flexible options for responding to a wide variety of threats. In Iraq, our Armed Forces are keeping the lid on civil war and protecting civilians from terrorists and literally from one another. In Korea, our Armed Forces are charged with guarding the ally's border and deterring aggression on the part of a large conventional military on the other side of the South Korean border. In the Pacific and the Persian Gulf, they protect America's interests through the projection of naval power and carrier-based air power.

At home our National Guard provides the Nation's Governors with critical response capability to cope with natural disasters such as Katrina. At times it can seem as though the demands on our military are almost limitless. Unfortunately, the resources available for equipping our military to meet these demands are not limitless. At a time when our Federal budget remains mired in red ink, we need to be looking for ways to effectively meet our military requirements but to do so in a fiscally responsible manner.

Last Thursday in the Federal Financial Management Subcommittee of the Homeland Security and Government Affairs Committee, we spent 3 hours doing just that. In this hearing, which I chaired along with Senator COBURN of Oklahoma, we explored how we can best meet our Nation's strategic airlift needs and how we can do this in a way that is fiscally responsible. What I wish to do is take a few minutes this afternoon to remind us why airlift is important and to offer a little history of how we got into the position we are in today. Then I wish to share with my colleagues some of what we learned at our hearing last week.

The bottom line is that regardless of whether strategic airlift is performed by C–5s, by C–17s, or by some other capability, airlift is essential to our Nation's ability to project power and meet threats abroad. I would remind us that roughly 90 percent of the materiel we move around the world goes by sea. Maybe 10 percent goes by air. When it comes to moving military personnel, almost all of them are moved around the world by airlift. When you think of the 10 percent or so of cargo that is moved by aircraft, roughly half of that is moved by C–5s, C–17s, and by C–130s. The other half is moved by commercial aircraft the Air Force leases from time to time.

The bottom line is that regardless of whether we are moving goods or personnel by C–5, C–17, or some other capability, we have to have that capability when we need it and it has to be reliable.

Though the men and women of our strategic airlift fleet rarely get the attention they deserve, the reality is our military could not perform its missions if it were not for the hard work and dedication of the airlift. Strategic airlift involves the use of cargo aircraft to move personnel, weaponry, materiel over long distance, often to combat theaters on the other side of the globe. During the current war in Iraq, airlift sorties have made up the majority of the nearly 35,000 total sorties flown by U.S. aircraft. Strategic airlift enables our military to respond to threats wherever they occur in the world real time. Not only must our fighting men and women be transported to the fight, they must be continually supplied. Airlift helps to make that happen. Both the C–17 and the C–5 have fulfilled their lift duties admirably, and the United States owes much of its rapid deployment capability to these fine machines.

We are blessed in Delaware at the Dover Air Force Base to have both C–5Bs and a new squadron of C–17s. However, the problem is that over the past 10 years, the United States has reduced its Cold War infrastructure and closed two-thirds of our forward bases. I remember many of the bases my squad and I used to fly out of in Vietnam. A lot of the bases in Thailand from which we flew missions in Southeast Asia, Okinawa, and the Philippines have now been closed. We no longer fly from those particular places. As a result, our ability to project our troops by air power as well as by sea power is more important than ever.

One of the ways we have sought to keep the strategic airlift fleet healthy and ready to meet this challenge is by modernizing the C–5 through two unique programs. One is called the Avionics Modernization Program, where we take a 1960s, 1970s cockpit and turn it into a cockpit for the 21st century. The second is a program called the Reliability Enhancement and Re-engining Program, where we literally take old C–5 engines, take them out—they break down about every 5,000 flight hours anyway—and replace them with an engine that will give us 10,000 hours between engine changes; change out the hydraulic system, overhaul the landing gear system, fix some 70 systems in all, and, again, replace the cockpit.

Those are the kinds of things that are done with the modernization process that is underway. So far, three aircraft have been fully modernized; three C–5s have been fully modernized and are being flight tested as we speak here today. In fact, collectively they have been flown over 500 hours, and the full evaluation is to be completed—I think the flight evaluation will be done for the most part within the next 12 months, and some flight evaluations will be completed by June of 2010.

Lockheed Martin is the prime contractor in the program. They are obligated to produce C–5Ms with a mission-capable rate that meets or exceeds 75 percent. That is well above where the C–5 is today. It is, frankly, slightly below where the C–17 is today.

Lockheed reports that nothing in the flight data to date, after over 500 hours of flight testing, suggests the 75 percent mission-capable rate cannot be met or exceeded. The Assistant Secretary for Acquisition of the U.S. Air Force last week in our hearing concurred in that opinion. Consequently, I was compelled, along with Senator COBURN, to hold a hearing to find out an answer to a very contentious question, and here is the question: At what price per aircraft could Lockheed or would Lockheed modernize all or part of the remaining C–5 fleet of 108 aircraft?

This past summer, Lockheed offered to modernize the C–5 fleet at what they call a flyaway cost of—a little less than $90 million per aircraft, whether the Congress and the administration decide to modernize half of the C–5 fleet, two-thirds of the C–5 fleet or all 108 C–5s. If Lockheed can deliver C–5s at a mission-capable rate of 75 percent or higher, at a flyaway cost of $85 million, $95 million or even $105 million, aircraft capable of flying another quarter of a century or more, we would be foolish not to modernize the remaining 108 C–5s. If Lockheed cannot deliver—cannot deliver aircraft that are 75 percent mission-capable rate or higher—if they can't deliver them at a cost we are willing to pay—then we need to find another alternative.

Now, the Air Force has questioned whether Lockheed will actually be able to deliver what the company has promised. The Air Force has suggested the cost of fully modernizing the C–5s may significantly exceed original expectations. This has led the Air Force to conclude that C–5 modernization may not be as cost effective as we all had originally thought and hoped.

I wish to take a moment and share with my colleagues three areas in which the Air Force and Lockheed appear to be in disagreement. As you can see from the chart beside me, the Air Force and Lockheed disagree on the modernizing of C–5s in three areas. No. 1, propulsion system, that is aircraft engine; No. 2, installation costs and what they call touch labor costs, or the amount of man-hours to be invested in these changes; and finally, overhead costs which include, among other things, the kinds of problems that might be uncovered as Lockheed goes through and conducts the modernization of the C–5s—problems that aren't even related to the modernization changes that are being installed.

Now, this disagreement yields a C–5 modernization cost discrepancy of over $4 billion—not a small amount of money. With this fundamental cost disagreement coming to light, our hearing tried to get into the true cost of C–5 modernization. What we found was a temporary stalemate. We also found what appears to be a way forward. In their cost calculations of the C–5 modernization, the Air Force determined the cost of the C–5 modernization has grown over its baseline, causing the view of at least some in the Air Force to trigger what we call a Nunn-McCurdy breach. The Nunn-McCurdy breach, as some will recall, is part of a law passed in 1983 that allows Congress to track the rising costs of Defense programs. A breach of Nunn-McCurdy occurs when a Defense program procurement cost goes beyond 50 percent of its baseline. When this happens, the Department of Defense has to notify the Congress and the program is more heavily scrutinized, in this case by the office of the Secretary of Defense. Interestingly enough, though, we found that part of the Air Force calculation includes costs of inflation due to the risks the Air Force may incur if Lockheed cannot meet its goals. Lockheed also stated they have a different calculation to show some growth but not enough to trigger a Nunn-McCurdy breach.

Lockheed's witness at our hearing last Thursday stated that the contractor—that is Lockheed—is ready to alleviate the Air Force's concerns and, therefore, to decrease the amount of cost growth that the C–5 modernization would realize by providing the Air Force with a firm, fixed price contract to modernize all 108 aircraft at a set cost. If Lockheed exceeds this price, then the cost is on them—on Lockheed. The only obstacle—major obstacle at least—that stands in Lockheed's way is the Air Force's decision on how fast they want to fully modernize the C–5s. The President's budget for 2008 calls for modernizing C–5s, one starting in fiscal 2008, ramping up from 1 to as many as 12 several years down the line. But the contractors need to know how many aircraft are going to be modernized, and in order for them to be able to be held or bound to a fixed cost, they have to have some reasonable assurance that what is being projected will actually be followed, in this case by the Air Force and by us in the Congress.

Let me mention a couple of things in closing. One, it says propulsion system. This is one of the three areas of disagreement between Lockheed and the Air Force. This involves engines—actually the same engine that goes on Air Force One and a whole lot of other aircraft around the world. The engine, made by General Electric, provides generally between engine changes about 10,000 flight hours. It would replace an engine that gets about 1,000 hours between engine changes. That is a miserable-performing engine that is on the C–5, and it has led to all kinds of problems. There is a question about what is GE going to charge Lockheed to sell them four new engines for 108 planes, plus 25 spares. I think that ends up being about 457 engines.

In our conversation offline with GE, they gave us a price well below what the Air Force is expecting or is calculating. If GE is good to their word and Lockheed is good to its word, then this $1.2 billion deficit—or in the case of the Air Force, ostensibly an overrun—that shouldn't be there. That shouldn't be there. The question is, Can GE and Lockheed be compelled—contractually bound—to provide these engines at the lower cost that was quoted to us by GE.

The second piece deals with labor, touch labor costs, the amount of man-hours that will be used to build these or rebuild these aircraft. The first of the C–5s that were modernized took 143,000 man-hours, the second took 125,000, the third took about 110,000 man-hours. Lockheed says they think they can bring it in at about 100,000 man-hours. The Air Force says, no, 116,000 man-hours. Lockheed has a learning curve in terms of better, faster work on the modernization that they believe they can adhere to. The Air Force says, no, that is too optimistic.

Interestingly enough, though, Lockheed has said to the Air Force and to us at our hearing, if we are wrong on the number of man-hours that we say it is going to take to modernize the fourth, fifth or sixth aircraft, if we are wrong on the learning curve and not as successful as we think we are going to be, we will eat the cost. They say they will eat the cost. That is great that they offer that, but what we need is a contract that can bind them to eat the cost if there is a failure to perform as otherwise would be suggested.

Those are the kinds of things that are in dispute. Ultimately, I would hope—and I can't speak for Senator COBURN, but I believe I would share his view that we need large cargo aircraft. We have C–5s. They can carry more than most cargo aircraft. Right now, we are using Russian aircraft, Russian-made aircraft, a big aircraft called the AN–124, to supplement the work that the C–5 can do. We spend today almost $200 million leasing Soviet aircraft or Russian aircraft to do the work for us of the strategic airlift. Nothing against the Russians, God bless them, but I don't know how comfortable you feel—I don't feel all that comfortable—relying on Russian cargo aircraft to supplement our needs around the world.

My hope is that what we will do is have our friends from Lockheed and our friends from the Air Force step back, for a moment, and then reengage in a way that seeks to narrow this, what you call a $4 billion delta or difference, in the assumption of costs for completing this project.

If Lockheed can produce fully modernized C–5Ms that will perform at a 75-percent mission-capable rate or more and do that at a cost of $85 million, $95 million or even $105 million on a flyaway basis, we would be foolish to turn down that deal. If they can't do it, if they can't deliver aircraft at that kind of mission-capable rate, if they can't do it along the line that I quoted as a price that we can be assured of, then we need to look for another alternative.

My hope, coming out of our hearing last week, is that there is a way forward, and we need the best efforts of

the Air Force and the best efforts of Lockheed to find it. If we get those best efforts, we may end up with what in the end will not be just a good deal for our country and for our taxpayers at a time when we are running huge budget deficits but a good deal for the men and women of the Armed Forces who are depending on strategic airlift every day of their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 3130

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and to call up the Sanders amendment, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 3130.

Mr. SANDERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by $10,000,000)

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' and ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD'', is hereby reduced by $10,000,000.

Mr. SANDERS. Madam President, yesterday, as part of the managers' package, the Senate approved an amendment that I offered to the Defense authorization bill. That amendment would establish a pilot program at the Department of Defense to deal with a very important problem. That problem is that all across our country, men and women are returning home from the war in Iraq, from the war in Afghanistan, they are coming home to big cities, small towns, and rural communities, and they and their families, in many cases, are hurting. These are soldiers and military family members who are suffering from post-traumatic stress disorder, who are suffering from traumatic brain injury, who are suffering from depression, and who are watching their marriages and their families coming apart. They are suffering nightmares, they are suffering panic attacks and sometimes uncontrollable anger and various physical symptoms. Because of the stigma, many of these brave soldiers do not come forward for help, and others, where the military infrastructure is not strong, simply don't know where to turn. They are hurting, but they don't know how to get help. In my view, we have a moral responsibility to reach out to these soldiers and their families and to help them.

The program, approved by unanimous consent yesterday, would create a pilot program at the Department of Defense. Under this pilot, funds would be provided to adjutant generals to conduct person-to-person outreach to soldiers who have returned from Iraq and Afghanistan. In other words, the heart of this program is outreach quality. We can't be successful in dealing with PTSD if soldiers do not get involved in the program, if they are not involved in counseling. I fear very much that unless we are aggressive in our outreach efforts, especially in rural areas, especially with the National Guard's people, we are going to see folks who don't know where to turn.

These trained outreach personnel will be meeting with the soldiers and their families. They will be able to make sure the soldiers and their families know about the help that is available to them. In other words, it doesn't matter how much help we have if our soldiers don't know where to turn and what is available. These outreach workers would make sure that America's heroes and our military families don't fall through the cracks.

As I mentioned, this body unanimously approved this new pilot as part of yesterday's Defense authorization bill. I thank the Members for their support. That pilot program amendment was cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. I also point out that this amendment is supported by the National Guard Association of the United States.

My amendment today, cosponsored by Senator LEAHY, is to make sure the commitment we made yesterday to returning servicemembers and their families is a real commitment backed by the necessary resources. This amendment would provide $10 million to carry out the pilot program for State-based outreach programs to assist servicemembers and their families created by the Sanders-Sununu-Kerry-Harkin-Brown amendment No. 2905 to the Defense authorization bill. This amendment is fully offset.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. SANDERS. I thank the chairman and the ranking member, and I look forward to working with them.

I yield back the remainder of my time.

Mr. INOUYE. Madam President, I ask unanimous consent that the present amendment be set aside to reconsider the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that at 4 p.m. the Senate proceed to vote in relation to the Boxer amendment, as modified; that the time from 3:55 until 4 p.m. be equally divided and controlled between Senators BOXER and INOUYE or their designees; that no amendment be in order to the amendment prior to the vote; that at 4 p.m. the Senate proceed to vote in relation to the amendment; that when the Senate resumes consideration of H.R. 3222 on Wednesday, following morning business, there will be 30 minutes of debate prior to a vote in relation to the pending Graham amendment; that the second-degree amendment be withdrawn and no other amendment be in order to the amendment prior to the vote; that the time be equally divided and controlled between Senators GRAHAM and INOUYE or their designees; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3126

Mrs. BOXER. Madam President, I understand I have 2½ minutes, followed by Senators INOUYE and STEVENS, and then there will be a motion to table my amendment. I hope to convince colleagues who may be listening to this debate to vote no on the motion to table.

I think this amendment deserves to be heard. It doesn't deserve to be shut down. The amendment is my modified amendment, which I sent to the desk. It basically says there can be no more waivers granted for folks who want to join the military who have been convicted of aggravated assault with a deadly weapon, arson, a hate crime, sexual misconduct, threatening a terror attack, kidnapping or abducting a child, or indecent acts with a minor.

If we can show you this chart, right now, it is against the military policy to allow any of the people into the military who have been convicted of a felony. But there is a waiver process. What has happened is—and we all agree that there are occasions when there ought to be a waiver now and then—we have seen an alarming increase in these waivers because the Army, in particular, is having a hard time meeting its recruitment goals. We see in 2004 that the Army granted 3 of the 60 waivers to recruits who had felonies on their record. In 2005, they granted 571. In 2006, they granted 901 waivers. That is a 59-percent increase over the 2005 number. It is a 150-percent increase over the 2004 figure.

So what we have seen is an alarming increase in the number of waivers. What my amendment simply says is: Enough of this for seven felonies. Again, the seven felonies are aggravated assault with a deadly weapon, which is someone who has been convicted, perhaps, of putting a gun to someone's head and threatening them with bodily harm; arson, someone who obviously has started a fire and put other people's lives in danger; hate crimes, and we discussed that at length. As a matter of fact, we have a fine amendment that Senator KENNEDY offered and that is now on the Defense authorization bill, which would say that people have a right to be free of hate crimes because of the fact that they may be different than the next person. Here you send people like this into the military, and this is one of the most diverse institutions we have.

In conclusion, we are saying, please, don't table this amendment. The others are sexual misconduct, terrorist threatening, indecent acts with a minor, and kidnapping or indecent acts with a child. You don't want somebody like that next to your son or daughter who is serving honorably in the military.

I hope you vote no on the motion to table. I yield the floor.

Mr. INOUYE. Madam President, as I indicated in the earlier debate, we have been assured by the chair of the Armed Services Committee, Mr. LEVIN, and the vice chair, Mr. MCCAIN, that this waiver process is working and has worked.

It is not an easy amendment to speak against, but I am reminded of something that happened during my days of youth. After World War II, there was a very distinguished German, who was a Nazi. He was the prime person who helped develop the rockets and bombs that devastated London, who was then in the process of developing an intercontinental ballistic missile to devastate the United States. But we provided him with a waiver. He came to the United States and worked to develop rockets for the United States. If it weren't for this scientist, there is grave doubt that we could have sent a man to the Moon at the time we did or whether we could have developed the ICBM that we have today. His name was Dr. Wernher von Braun.

I am against those crimes that my colleague from California cited. They are objectionable, they are horrible, and as the father of a son, I can imagine what I would go through if my son had been a victim of one of these crimes. But this process does work, and I think at this moment to flat–out determine that this process cannot be used in certain crimes may be shortsighted.

So on behalf of the ranking member of the committee and myself, I move to table the Boxer amendment.

Mr. STEVENS. Madam President, I join in that motion.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—53

Akaka	DeMint	Lott
Alexander	Dole	Lugar
Allard	Domenici	Martinez
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Reed
Brownback	Gregg	Rockefeller
Bunning	Hagel	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stevens
Cochran	Inouye	Sununu
Coleman	Isakson	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Voinovich
Craig	Levin	Webb
Crapo	Lieberman	

NAYS—41

Baucus	Feinstein	Nelson (FL)
Bingaman	Harkin	Pryor
Boxer	Johnson	Reid
Brown	Kennedy	Roberts
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Collins	Lincoln	Stabenow
Conrad	McCaskill	Tester
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—6

Biden	Dodd	Obama
Clinton	McCain	Warner

The motion was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I wish to announce that tomorrow morning, after morning hour, at approximately 10:45, we will consider and vote upon the Graham amendment.

If there are no amendments after that, the committee is prepared to move to pass the bill on third reading, final passage. So those who have amendments, please come forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3120; 3125; 3128; AND 3124, AS MODIFIED, EN BLOC

Mr. INOUYE. Madam President, I ask unanimous consent that the following managers' package, No. 1, be adopted: amendment No. 3120, for Senator BAUCUS and others, regarding the Army Smart Data Project; amendment No. 3125, for Senator ROBERTS, regarding Air Force materials research; amendment No. 3128, for Senator KOHL, regarding the Navy's permanent magnet motor; amendment No. 3124, as modified, for Senator LOTT, regarding Air Force pallet systems.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. We support these amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3120

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $1,000,000 for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

AMENDMENT NO. 3125

(Purpose: To make available from Research, Development, Test, and Evaluation, Air Force, $1,000,000 for Materials Integrity Management Research for Air Force Systems)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

AMENDMENT NO. 3128

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $2,000,000 for the DDG–51 Class Modernization–Hybrid Propulsion Permanent Magnet Drive System)

At end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class

Modernization–Hybrid Propulsion Permanent Magnet Drive System.

AMENDMENT NO. 3124, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8107. AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

Mr. BAUCUS. Madam President, as my colleagues are aware, current force intelligence, surveillance and reconnaissance, ISR, capabilities are impeded by three specific technology issues: in-theater network interference, dissimilar IT infrastructure across forces and intelligence agencies, and slow storage and retrieval of mission critical intelligence.

Once intelligence is gathered, whether by unmanned aerial vehicle, stationary sensors or mobile ground sensors, it is transmitted to ISR Command. The data is sent as two streams—content, which is the actual imagery, and context, which is comprised of metadata relating to location, date, time, target information, destination of message, sender information, and more. Currently, much of this context stream, whether location coordinates, date, and/or time information, is dropped or interrupted during transmission. These drops render as much as 30 percent of all motion video and still-imagery intelligence unusable. Such data loss negatively affects current ISR operations and creates undesirable consequences in the field.

In cooperation with Senators TESTER, KERRY, WYDEN, and SMITH, I submitted an amendment to the Department of Defense Appropriations bill for fiscal year 2008. This amendment would provide funding for the Smart Data Project through companies in three states. The recipient of funding for this project would be Digimarc, Inc., of Oregon and Massachusetts. Additional research for the project will be conducted by GCS Research of Missoula, Montana, and S&K Technologies of Pablo, Montana. The purpose of this program is to address the existing capability gap within the military's intelligence gathering operations and to provide our military with real-time geospatial video sensor intelligence.

The basis for the solution to address this capability gap is currently employed by all the major media networks, which use components of Smart Data technology to track usage of proprietary video. ABC, CBS, NBC and Fox embed unique data such as TV station identification, date, and time into the content. This unique embedded data is then used to generate reporting information about distribution and viewership.

Adaptation of Smart Data technology for military applications involves the embedding of key contextual information such as location coordinates, date, time, and sender onto reconnaissance imagery. The embedding technology developed by the Smart Data team will eliminate data loss that has negative effects on Current Force ISR operations. Addressing this data loss will improve operative effectiveness and save lives in the field.

AMENDMENT NO. 3125

Mr. ROBERTS. Madam President, I rise today in support of an amendment to the 2008 Defense Appropriations Act. This amendment is in the interest of Kansas and our national security. I request up to $1 million be made available for Materials Integrity Management Research for Air Force Systems, MILTEC. This project aims to develop advanced wireless sensors to be optimally placed for aircraft structure health monitoring. The processed data will provide diagnostic and prognostic information that can be further used to assist in critical mission planning. MILTEC is currently operating through Wichita State University in Wichita, KS. I have no personal, familiar, or political connection to these projects.

AMENDMENT NO. 3128

Mr. KOHL. Madam President, I submitted amendment No. 3128 along with Senator KENNEDY to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI, for DDG51 Class Modernization, Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

Mr. KENNEDY. Madam President, I submitted amendment No. 3128 along with Senator KOHL to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI for DDG51 Class Modernization—Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

AMENDMENT NO. 3129

Mr. LOTT. Madam President, I am submitting Senate amendment No. 3124 to make funds available from the appropriation account Other Procurement, Air Force, to accelerate the deployment of the Associate Intermodal Platform pallet system.

The Associate Intermodal Platform pallet system is manufactured by Shan Industries LLC, headquartered in Miami, FL, with manufacturing plants currently located in New Jersey and Oklahoma.

The Department of Defense has concluded that use of the Associate Intermodal Platform, AIP, pallet system, developed 2 years ago by the U.S. Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed. The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers, or in conjunction with existing 463L pallets. The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the U.S. Transportation Command at various military installations in the United States and in the field in Iraq, Kuwait, and Antarctica. The Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I appreciate the work of the managers on this important piece of legislation. I have conferred with the managers. After we have one vote sometime tomorrow morning, and if there is nothing more happening, I think we should move to third reading. Just to protect all of our military, in case something goes awry in the next 24 hours, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 353, H.R. 3222, Department of Defense Appropriations Act, 2008.

Daniel K. Inouye, Jon Tester, Robert P. Casey, Jr., Ted Kennedy, Tom Carper, Max Baucus, Kent Conrad, Robert Menendez, Patty Murray, Carl Levin, Ben Nelson, B.A. Mikulski, Ron Wyden, Blanche L. Lincoln, Charles Schumer, Byron L. Dorgan.

Mr. REID. Mr. President, I would hope we can just totally avoid this. Of

course, the cloture vote would not occur, at the earliest, until Thursday anyway. I would hope that it will not be necessary that cloture be invoked. But we want to make sure that we are able to complete this legislation, including the managers' package on which these two veteran legislators have worked. I have spoken to staff, and the managers' amendment has not been cleared yet. It should be cleared. I hope we can finish this bill tomorrow afternoon early. This cloture motion is to protect us in case something goes wrong.

I think perhaps we shouldn't go into morning business right now. Someone might want to offer an amendment, and I want to make sure everyone has the ability to do that. It is 5 o'clock now. There will be no more votes today. Unless we have somebody here by 5:30 to offer an amendment, we will go into morning business.

AMENDMENT NO. 3135

Mr. KENNEDY. I introduced amendment No. 3135 to allow the Navy to provide up to $5 million for the high temperature superconductor AC synchronous propulsion motor. These funds will be used to test and transition the high temperature superconductor AC synchronous propulsion motor to Navy ship class. This will serve in the effort to increase power while reducing vessel weight.

AMENDMENT NO. 3134

I introduced amendment No. 3134 to allow the Navy to provide up to $3 million for the MK 50, NULKA, Decoy System. These funds can be used for the purpose of continuing efforts to defend the Navy from the continually evolving threat of antiship missiles and associated seeker systems.

Mr. KERRY. Mr. President, today I submitted an amendment with Senator KENNEDY as a cosponsor which may provide up to $1 million, within the Navy Sealift Account, to the Massachusetts Maritime Academy, MMA, in Buzzards Bay, MA. The funding will be used to help complete the conversion of the T.S. *Enterprise*, a Ready Reserve Force training ship. In fiscal year 2000–2001, the Department of Defense Appropriations conference report included $25 million for the conversion of the T.S. *Enterprise*. However, that funding only allowed MARAD to produce a ship which holds only 600 cadets. The Massachusetts Maritime Academy has had a growing number of students in recent years and requires the additional room to allow all of their cadets to train on the ship. At a time when our troops depend heavily on the material shipped to war zones on American flag ships, I believe it is critical to the livelihood of the Nation that our maritime academies continue to produce the professional men and women needed in the maritime trades.

Mr. ALLARD. Mr. President, I rise today to speak on my amendment, designating $5 million—the amount requested by the Pentagon—for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO.

The Missile Defense Space Experimentation Center supports research and development, agency operations, test and evaluations and operations and training for missile defense capabilities. It provides the Missile Defense Agency a common support infrastructure and connectivity for operating MDA experimental satellites, and integrating space data in support of the missile defense mission. The MDSEC provides a multilevel security environment for sensor data management and integration across all space and terrestrial sensor data activities.

MDSEC activities support analysis, demonstration and integration of space sensor capabilities into developmental and operational MDA Elements. MDSEC also supports advanced technology and algorithm development, including fusion of multiple sensor types—radar, overhead nonimaging infrared, electro-optical and other emerging sensor technologies. MDSEC supports mission integration of space-based missile track—boost and mid-course phases—sensor and weapons cueing via C2BMC, features and discrimination, kill and impact point assessments into C2BMC, Aegis, Terminal High Altitude Area Defense—THAAD—Global Missile Defense—GMD—and other—non-MDA—mission areas such as space situation awareness, technical intelligence, and battle space characterization. For Fiscal Year 2008, the Missile Defense Space Experimentation Center will: Demonstrate connectivity and integration of space layer data into X-lab, BMDS elements, and external users; demonstrate capability to access, share, and playback data across stakeholder programs—MDSEC Interchange System; provide synergy for testing, experiments, integration and algorithm development—Integration Lab; demonstrate capability to support and integrate across multiple security environments/domains; demonstrate space-layer data support to non-BMDS Missions—external users; demonstrate integrated birth-to-death tracking and fusion across existing, R&D and future BMDS sensors; support space-based sensors data collections and algorithm testing experiments; complete MDSEC Interchange System—MIS: Test prototype MIS operating system and host MIS hardware suite.

I believe the mission and task for the MDSEC require our support and I urge passage of this amendment.

Mr. President, in regards to my amendment designating $5 million to support research and development, agency operations, test and evaluations and operations and training for missile defense capabilities at the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO, neither I nor anyone in my immediate family has a pecuniary interest in the center or its operations.

AMENDMENT NO. 3140

Mr. VITTER. Madam President, I rise today in support of amendment No. 3140 to the 2008 Defense Appropriations Act. This amendment is in the interest of Louisiana and health care programs within the Department of Defense. I request up to $1 billion be made available for Maternal-Fetal Health Informatics and Outreach Program. This project will be the use of Telehealth and electronic medical record, EMR, technologies centered on conducting research and developing technology solutions for high-risk obstetrical patients, in collaboration with the DOD. The intent of the Maternal Fetal Informatics Outreach Program, MFIOP, is to leverage technology toward optimizing health care delivery solutions for women and infants. This effort will increase portability of patient records and lead to a decrease in associated health care cost related to obstetrical, OB, and newborn health care services. The Maternal-Fetal Health Informatics and Outreach Program is currently operating out of Woman's Hospital in Baton Rouge, LA. I have no personal, familiar or political connection to this project.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

BRINGING A FALLEN SOLDIER HOME

Mr. BROWN. Mr. President, earlier today, I left a Banking Committee hearing to go out to Arlington National Cemetery to meet with a group of World War II veterans. A woman by the name of Ms. Best, who had served in World War II, was laying the wreath on behalf of Miami County, OH, veterans—some 35 or so veterans from Ohio who took a bus under the sponsorship of Glenn Devers, who raises money so veterans can come to Washington and lay a wreath at the Tomb of the Unknown Soldier and then proceed to see the World War II monument.

I was struck, first, by all the stories of Mr. and Mrs. Whited, for instance. Mr. Whited was called off to the service and went overseas. His child was born a few months after he left, and when he returned, he saw his son for the first time, who was the age of 2. He is now more than 60 years old. I was taken by the stories of so many of these World War II veterans, their courage and heroism, their love of country, their duty, their commitment, and their patriotism. They surely—without overusing the phrase—were part of ''the greatest generation.''

Few veterans have asked for credit or recognition, but it was such a pleasure to go there and talk to them today. I

had one request of them. Of course, I thanked them over and over. I had one request, and that was that these veterans, both men and women, tell their stories to their children and grandchildren. My father, a World War II veteran who enlisted about a year after Pearl Harbor, sometime during 1942, and went overseas, he didn't talk about it much. He passed away 6 years ago at the age of 89. He didn't talk about it much. I encouraged these men and women who served our country valiantly in World War II—or any veteran since then—to share the stories with their children and grandchildren because it will enrich their lives. They don't need to brag, but they ought to tell friends and families about their accomplishments and feats. These are stories that their children and grandchildren and great-grandchildren will treasure for the rest of their lives.

I thought of that visit yesterday before I made the visit, as I was planning it. I thought yesterday, when the Senate passed the Defense reauthorization bill, of an amendment that Congressman BART STUPAK of Michigan and I have been working on. Currently, the Department of Defense—prior to this amendment—is allowed to use any combination of air, rail or road transportation to bring the body of a fallen soldier home. But what has been done, because the rule is so broad, the law is so broad, the Department of Defense in many cases has brought the body of a soldier killed in action to the nearest big city airport, which could be 50, 100, 200 or 300 miles away. Congressman STUPAK represents an area in northern Michigan, the Upper Peninsula, and often bodies are brought back to Green Bay, which is too far from many of these families who have to go to an airport that is 2 or 3 hours away with the funeral home, paying the expenses and accompanying the body back to the hometown. That has happened in southern Ohio, where there is no airport. Maybe they would go to Charleston, Columbus or Pittsburgh. It is outrageous that the Department of Defense doesn't bring the bodies to the communities where the families live, when they are already so distraught from losing a loved one.

We were able to get the fallen servicemember respectful return amendment included in the Department of Defense bill. This means that when our soldiers make the ultimate sacrifice in service to their country, the least the Government and the DOD can do—and for reasons I don't even understand they had failed to do. We talk so much about honoring our soldiers, but they failed to do this. All of the money we are spending—hundreds of billions of dollars—and they didn't get these bodies back to the funeral home in the local communities. It is incumbent upon us to do that.

Congressman STUPAK in the House and my amendment in the Senate finally has done that. The least we can do is ease the path for these families as they confront their loss.

CHILDREN'S HEALTH INSURANCE

Mr. BROWN. Mr. President, the Children's Health Insurance Plan legislation was delivered to the White House this afternoon for, I hope, the President's signature, but unfortunately, I fear the President's veto. It is unbelievable that the President would veto legislation that means so much to many working families in Ohio, in the great State of Colorado, and any of the other 48 States in our great Nation.

The Children's Health Insurance Program was conceived in 1996 and took effect in 1997, with a Democratic President and a Republican House and Senate. It now insures some 6 million children in our country. These are the sons and daughters of working families, parents who are working hard, playing by the rules, paying their taxes, but they make too much to be on Medicaid but make too little to be able to afford insurance, especially if one of their children has a preexisting condition of any serious nature. They are making $20,000, $30,000, and $40,000 a year.

The President—as Senator GRASSLEY has pointed out in criticism—has said we don't want to give help to these rich children. These are families making $20,000, $30,000, $40,000, and as much as $50,000 or $60,000 a year but mostly families making less. They are struggling, and it is not easy to pay the bills when you make $30,000 or $40,000 a year, let alone pay for health care bills and health insurance.

The President also said he doesn't want this big Government program. He talked about socialism, or something I don't understand. The President of the United States and most Members of Congress go out to Bethesda. That is a Government health care system. They get great health care at Bethesda Naval Hospital. The VA has terrific facilities, not just the CBOCs, community-based outreach clinics, such as in Mansfield, Youngstown, Lorraine, Springfield, Marion, Lima, and all over the State and all over this country; but the big VA hospitals in places such as Brecksville, Columbus, and Chillicothe, and what all that means.

The President says these are kids who should be covered by private insurance. Sure, they should. I wish these children did have private insurance. But the fact is that millions of children in our country don't have private insurance. At relatively little cost—because most children don't cost much to insure—we can put them in the Children's Health Insurance Program.

If the President vetoes this bill, it will immediately mean that some number of children—several hundred thousand—will lose their health insurance immediately, and it will mean a lost opportunity for 4 million other children in Colorado, Ohio, and all over this country, to get health insurance. Again, these are children of working parents—parents who are struggling and doing the best they can to make a go of it. All they want is health insurance for their children.

The President is critical of the cost of the bill. This bill will cost about $7 billion a year, the Children's Health Insurance Plan. The Presiding Officer voted for it and I voted for it and it passed this Senate with 68 votes, with almost 20 Republicans—almost 40 percent of the Republicans voted for this bill in the Senate and all of the Democrats. This is a bipartisan bill. The House is the same way, where dozens of Republicans in the House voted for it.

So it is clearly a bipartisan bill, and the President says it costs too much. It costs $7 billion a year in the next 5 years. What does that mean? In contrast, we spend in 1 week in Iraq close to $3 billion. So we are spending $3 billion a week in Iraq, and we want to spend $7 billion a year to cover 4 million children—some 60 or 70 or 80 in Ohio would take advantage of this—and the President says no to that. He wants more than $3 billion additional per week in Iraq. Something is wrong with those priorities.

The President has had the legislation delivered to him at the White House. I hope the President will reconsider some of his public comments and listen to middle-class families. This is one of those times when Government can directly help the middle class and make a difference in the lives of so many middle-class families who are struggling, such as the Demko family in Columbus.

I just wish the President would open his mind and his ears and his eyes for the next few days and let's send some children, some families we have met, whom you have met, Mr. President, in Boulder or Denver, whom you met in Colorado Springs, whom I have met in Columbus, Cincinnati, or Dayton, or Zanesville, or Steubenville—let's invite some of those families to the White House, sit down with the President and say: Mr. President, here is what the Children's Health Insurance Program means to me and my family and to a lot of my neighbors. Please, Mr. President, sign this bill.

I believe, because I think he is a decent person, if the President would open his ears, eyes, and mind to that conversation of those families, it would be a very different outcome. I am hopeful in the next couple of days that the President will sign the Children's Health Insurance Program. If he does not, I am confident we will override his veto in the Senate, and I am hopeful that enough Republicans will get on this bipartisan bandwagon and join the Democrats in overriding that veto because it will mean a stronger, more vibrant, more humane policy and a stronger middle class for our country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mrs. CLINTON. Mr. President, from day one, the Bush administration has pursued an aggressive agenda of privatizing essential Government services, even when there has existed overwhelming evidence that doing so would waste money, impair accountability, harm citizens who rely on those services, or jeopardize our Nation's safety and security. The Kennedy-McCaskill amendment on civilian contracting will slow this agenda and bring some much needed common sense to the administration's campaign to outsource essential functions to the private sector.

Among other reforms, the amendment will nullify an edict imposed from outside the Department of Defense that the agency contract out a certain number of jobs regardless of the merits; give Federal employees the same rights to challenge a contracting decision that are now enjoyed by private contractors; and eliminate a wasteful rule that civilian jobs automatically be recompeted at the end of each performance period. I am a strong supporter of the Kennedy-McCaskill amendment, which will serve as an important check on the administration's privatization agenda.

UNSOLVED CIVIL RIGHTS CRIMES

Mr. COBURN. Mr. President, I objected to a unanimous consent request to pass S. 535/H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act. I objected, not because I disagree with the well intended motives of the legislation, but because the authors of the bill refused to work with me to make some commonsense changes.

Let me be clear, I absolutely support the goals of this legislation and believe that those who committed civil rights crimes must be brought to justice, but I believe that we can and must do so in a fiscally responsible manner.

Just last week, the Senate voted to increase the Federal Government's debt limit to $9.815 trillion. It is beyond irresponsible to pass any bill that will add to this debt that will be inherited by our children and grandchildren. Even our best intentions need to be paid for with offsets from lower priorities or wasteful spending.

On February 5, 2007, I sent a letter to my colleagues outlining my intent to object to any legislation authorizing new spending that is not offset by reductions in real spending elsewhere. I strongly believe that Congress should stop borrowing and spending beyond our means. Instead, Congress, like all families, ought to prioritize spending and reduce less important spending when greater priorities arise.

S. 535/H.R. 923 violates two of the principles that I outlined in my February letter. These are: If a bill authorizes new spending, it must be offset by reductions in real spending elsewhere; and if a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity.

This bill authorizes unpaid for new spending and creates a new government program that duplicates existing government efforts. Both of these concerns could be easily addressed if the sponsors of the bill were interested in securing its passage.

In June of this year, my office contacted the bill's sponsors to suggest possible offsets so that I could give my consent—but there was no desire, at the time, to amend the bill. This was unfortunate because last Congress, when Senator Jim Talent was the lead sponsor, he agreed to include offsets in exchange for my consent, but the compromise language was opposed by an unidentified Senator.

It is also unfortunate because there is no shortage of potential offsets for this bill within the Department of Justice, which would administer the proposed program. The bill authorizes $12 million each year for 10 years. The Department has $1.6 billion in unobligated balances, which are funds that have been appropriated but which there are no plans to spend. In fiscal year 2006, the Department spent $45.9 million on conferences, a 34-percent increase since fiscal year 2000. The inspector general examined just 10 conferences and found that the Department spent an estimated $1.5 million on food and beverages. This included paying $4 per meatball at one lavish dinner and spreading an average of $25 worth of snacks around to each participant at a movie-themed party. It is estimated that the current fiscal year 2008 Commerce, Justice, Science Appropriations bill contains congressional earmarks totaling $587 million and the bill exceeds the President's request by more than $2 billion. Clearly, there is wasteful spending that can be reduced to pay for this program.

Just like American taxpayers, Congress needs to learn to pay for what it spends. This is a reasonable expectation but one that has been ignored by Washington politicians who tend to put off difficult decisions and, as a result, have charged up a $9 trillion debt.

This bill also creates a new Federal program that duplicates an existing Federal Government initiative that seeks to address unsolved civil rights crimes. The Department of Justice and the Civil Rights Division of the Federal Bureau of Investigation are currently working with States and nonprofit groups to pursue unsolved civil rights era crimes that resulted in death.

In February 2006, the FBI began an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death. Since then, the Bureau's 56 field offices began to reexamine their unsolved civil rights cases

and determine which ones might still be viable for prosecution. To date, they have identified nearly 100 case referrals. Furthermore, the U.S. Attorney General and the FBI Director announced a partnership with the NAACP, the Southern Poverty Law Center and the National Urban League to investigate unsolved crimes from the civil rights era.

I am very supportive of this effort and I am also encouraged that these cases are currently being pursued.

On August 2, 2007, I sent a letter to the Attorney General requesting more information about these efforts to ensure that any legislation passed by Congress would assist the Department to meet its goals. I am awaiting a response.

I do believe that solving these crimes is imperative to remedying past injustices and ensuring future justice. These types of crimes should never have been and never again tolerated or ignored.

I also believe that because of the nature of the crime, the time elapsed, and the fact that many witnesses and potential murderers have moved to different States, this is an area of the law that rightly requires Federal assistance.

Consequently, it is my hope that the bill's sponsors will support my efforts to find funding for this worthy program. It is unfortunate that such a well intentioned effort is being held up because Washington politicians refuse to live under the same budget rules that every family in America adheres to. In the meantime, the American people can rest assured knowing that the Department of Justice and the FBI are already conducting the investigations that this bill seeks to address.

PERFORMANCE GOALS FOR THE MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

Mr. KENNEDY. Mr. President, on September 20, 2007, the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007. Title II of this bill includes the reauthorization of the FDA's medical device user fee program.

Performance goals, existing outside of the statute, accompany the authorization of medical device user fees. These goals represent a realistic projection of what the Food and Drug Administration's Center for Devices and Radiological Health and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document entitled ''MDUFA PERFORMANCE GOALS AND PROCEDURES.'' According to Section 201(c) of H.R. 3580, ''the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals . . . in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the CONGRESSIONAL RECORD.''

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on September 27, 2007, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

I ask unanimous consent this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH AND HUMAN SERVICES,
Washington, DC, September 27, 2007.

EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: I want to congratulate you for completing action on the FDA Amendments Act, H.R. 3580. As you know, this bill contains the reauthorization of user fees for drugs and devices as well as other key provisions vital to the Food and Drug Administration. We appreciate your support and hard work on this legislation, the commitment of Members of the Committee in working out these measures, and the support shown by the full Senate.

I am including as enclosures to this letter the two commitment documents for the drug and device user fee programs which outline the agreements between the Agency and the industries with regard to application approval timeframes, issuance of guidances, post market program enhancements, and milestones for other activities to be supported by user fees. These documents cover fiscal years 2008 through 2012 and they represent the commitment of the Department and the FDA to carry out the goals under the mutual agreement with the industries.

Thank you again for successful enactment of the FDA Amendments Act. I look forward to working with you as we proceed with the implementation of this legislation.

Sincerely,

MICHAEL O. LEAVITT,
Secretary.

MDUFA PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the medical device user fee program in the Medical Device User Fee Amendments of 2007, are summarized as follows:

I. Review performance goals—Fiscal year 2008 through 2012 as applied to receipt cohorts.

All references to ''days'' mean ''FDA days.''

A. Original premarket approval (PMA), panel-track PMA supplement, and premarket report submissions.

FDA will issue a decision for 60 percent of non-expedited filed submissions within 180 days, and for 90 percent within 295 days.

B. Expedited original PMA and panel-track PMA supplement submissions.

FDA will issue a decision for 50 percent of expedited filed submissions within 180 days, and for 90 percent within 280 days.

C. PMA modules.

FDA will take action on 75 percent of PMA modules within 90 days, and on 90 percent within 120 days.

D. 180-day PMA supplements.

FDA will issue a decision for 85 percent of 180-day PMA supplements within 180 days, and for 95 percent within 210 days.

E. Real-time PMA supplements.

FDA will issue a decision for 80 percent of real-time PMA supplements within 60 days, and for 90 percent within 90 days.

F. 510(k) submissions.

FDA will issue a decision for 90 percent of 510(k)s within 90 days, and for 98 percent within 150 days.

G. Maintenance of current performance.

The agency will, at a minimum, maintain current review performance in review areas such as IDEs and 30-day Notices where specific quantitative goals have not been established.

H. Interactive review.

The agency will continue to incorporate an interactive review process to provide for, and encourage, informal communication between FDA and sponsors to facilitate timely completion of the review process based on accurate and complete information. Interactive review entails responsibilities for both FDA and sponsors.

Interactive review is intended to: (a) prevent unnecessary delays in the completion of the review; (b) avoid surprises to the sponsor at the end of the review process; (c) minimize the number of review cycles and extent of review questions conveyed through formal requests for additional information; and (d) ensure timely responses from sponsors.

All forms of communication should be used as ''tools'' to facilitate interactive review. These include, but are not limited to, the following: (a) e-mail; (b) one-on-one telephone calls; (c) telephone conferences; (d) videoconferencing; (e) fax; and (f) face-to-face meetings.

Application of these tools for interactive review should remain flexible, balancing speed and efficiency with the need to ensure supervisory concurrence for significant information requests. In general, e-mail should be the preferred mechanism for informal communication because it creates a clear record of the interaction, with telephone calls used primarily for seeking clarification or answers to very limited questions. Conferencing, either by telephone, video, or face-to-face mechanisms, should be used at key milestones, such as those described below, in the review process.

A cornerstone of interactive review is that communication should occur as needed to facilitate a timely and efficient review process. In particular:

1. There should be regular, informal communication from FDA to seek clarification on issues that can be resolved without substantive review or analysis. When appropriate, FDA will also informally communicate substantive review issues if FDA determines that it will facilitate a timely and efficient review process.

Because all reviewers will be active participants in the interactive review process established under this agreement, it should be a natural outcome that reviewers will share issues with sponsors prior to incorporating them into formal letters.

2. Whenever FDA informally requests additional information, the sponsor and FDA will determine an acceptable timeframe for submission of the information. If the information is not received within the agreed upon

timeframe or the information is incomplete, the application will be placed on hold (with a major deficiency letter or AI letter) until the information is received.

FDA will develop a guidance document that incorporates these general principles and should make them operational within the review processes for 510(k)s, PMAs, and PMA supplements. FDA will use this detailed interactive review summary as the basis for a guidance document which FDA will issue as a ''final'' guidance 6 months from the date an agreed upon legislative package is sent to Congress or 3 months from the date of enactment, whichever is later.

I. Meetings.

FDA will make every effort to schedule both informal and formal meetings, both before and during the review process, in a timely manner and industry will make every effort to provide timely and relevant information to make the meetings as productive as possible. These meetings include, but are not limited to the following: pre-submission meetings, determination meetings, agreement meetings, and Day-100 meetings (for PMAs).

J. Quarterly performance reports.

The agency will report quarterly its progress toward meeting the quantitative goals described in this letter and will do so in a timely manner. In addition, for all submission types, FDA will track total time (time with FDA plus time with the company) from receipt or filing to final decision for approval, denial, SE, or NSE. FDA will also provide de-identified review performance data for the branch with the shortest average review times and the branch with the longest average review times for 510(k)s, 180-day supplements, and real-time supplements on an annual basis. Finally, in an effort to enhance accountability and transparency, the agency will meet with the industry informally on a semi-annual basis to discuss issues related to performance and expenditures. At that time, the agency will provide a qualitative update on how funding is being used for the device review process, including investments in information technology and training.

K. New commitments.

All agency guidance documents will reflect commitments made in this goals letter, as appropriate. If a guidance document has not been updated, FDA will still act in accordance with the goals letter.

L. Reviewer training.

As resources permit, the agency will apply user fee revenues to support reviewer training that is related to the process for the review of devices, including training to enhance scientific expertise. FDA will provide summary information on the types of training provided to its staff on an annual basis.

M. Guidance document development.

The agency will continue to develop guidance documents to the extent possible without adversely impacting the timeliness of review of MDUFA-related submissions. Each year, FDA will post a list of guidance documents it is considering for development and provide stakeholders an opportunity to provide comments and/or draft language for those topics as well as suggestions for new or different guidances.

N. Imaging devices with contrast agents or radiopharmaceuticals.

FDA will, after consultation with affected parties, develop a guidance document intended to ensure timely and effective review of, and consistent and appropriate postmarket regulation and labeling recommendations for, diagnostic imaging devices used with imaging contrast agents and/or radiopharmaceuticals approved for the same or different indications. Draft guidance will be published by the end of FY 2008, and will be subject to a 90-day public comment period. FDA will issue a final guidance within one year of the close of the public comment period.

O. In vitro diagnostics.

To facilitate the development of in vitro diagnostic (IVD) devices, FDA will continue to explore ways to clarify the regulatory requirements and reduce regulatory burden, as appropriate, by:

1. Issuing new or revised guidance on: (a) the conduct of clinical trials involving de-identified leftover specimens; (b) clinical trial design issues for molecular diagnostic tests; (c) migration studies; (d) Herpes Simplex Virus IVDs; (e) enterovirus IVDs; and (f) influenza testing.

2. Conducting a pilot program to evaluate integrating the 510(k) review and Clinical Laboratory Improvement Amendments (CLIA) waiver review processes for possible increased efficiencies. This pilot will include only voluntary participants from industry, and the 510(k) applications involved in the pilot will not be counted toward the MDUFA performance goals.

3. Considering industry proposals on acceptable CLIA waiver study protocols, developing acceptable protocol designs, and making them available by adding appendices to the CLIA waiver guidance or by posting redacted protocols on the FDA website.

4. Tracking review times for CLIA waiver applications, sharing this information with industry annually and, at the end of year two of MDUFA, evaluating whether CLIA waiver user fees and performance goals should be considered for MDUFA III.

5. Reviewing a list of class I and II low risk IVD devices, to be provided by industry, to determine whether any of them could be exempted from premarket notification, and allowing interested parties to petition for exemptions consistent with section 510(m)(2) of the Federal Food, Drug, and Cosmetic Act (the Act).

6. Performing a review of its pre-IDE program for IVD devices. This review will be conducted during the first year of MDUFA and will focus on specific issues identified by industry that they would like to see addressed by the program review.

P. Transition period.

FDA will meet the performance goals established under MDUFA II beginning October 1, 2007. However, because, beginning October 1, 2007, FDA will be reviewing submissions under MDUFMA I goals and MDUFA II goals at the same time (due to submissions received in FY 2007 but acted upon in FY 2008), FDA will not manage to the MDUFMA I cycle goals for those submissions received in fiscal year 2007. FDA will meet the MDUFMA I decision goals for submissions received in FY07 and will apply the principles of interactive review.

II. Definitions and explanations of terms.

A. FDA Decision.

PMA decisions are approval, approvable, approvable pending GMP inspection, not approvable, withdrawal, and denial. 510(k) decisions are substantially equivalent (SE) or not substantially equivalent (NSE).

Not Approvable decisions will generally not be issued on the first review cycle. The rare cases where a not approvable decision might be issued on the first review cycle would include situations such as (1) the application is complete and there are no outstanding FDA issues, but the data do not demonstrate that the device provides reasonable assurance of safety and effectiveness, or (2) the PMA receives a not approvable recommendation from an advisory panel. Any ''Not Approvable'' decision will be accompanied by the rationale for its issuance.

Submission of an unsolicited major amendment to any original PMA, premarket report, panel-track supplement, or 180-day supplement extends the FDA decision goal date by the number of days equal to 75 percent of the difference between the filing date and the date of receipt of the amendment.

B. Expedited review.

The MDUFA II expedited review performance goals will apply only to devices for which expedited review has been granted in accordance with section 515(d)(5) of the Act.

If in any one fiscal year, the number of submissions granted expedited review equals 10 or more, FDA will be held to the expedited review performance goals for that fiscal year.

If in any one fiscal year, the number of submissions granted expedited review is less than 10, then it is acceptable to combine the submissions for the following year(s) in order to form a cohort of 10 submissions upon which FDA will be held to the performance goals. However, FDA will continue to report performance data on the cohort for each fiscal year.

C. PMA modules.

Action on a PMA module includes accepting the module, request for additional information, receipt of the PMA, and withdrawal of the module.

D. 180-day PMA supplements.

Decisions for 180-day PMA supplements include approval, approvable, approvable pending GMP inspection, and not approvable.

FDA will implement a major deficiency letter process for 180-Day PMA Supplements (similar to that for PMAs).

E. Real-time PMA supplements.

Decisions for real-time PMA supplements include approval, approvable, and not approvable.

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

Mr. KENNEDY. Mr. President, on September 20, 2007, the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007. Title I of this bill is the reauthorization of the FDA's prescription drug user fee program, and includes the initial authorization for a voluntary user fee program for advisory reviews of direct-to-consumer television advertising.

Performance goals, existing outside of the statute, accompany the reauthorization of the drug user fee program and the authorization of the advisory review user fee program. These goals represent a realistic projection of what the Food and Drug Administration's Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document with two sections entitled ''PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES'' and ''PERFORMANCE GOALS AND PROCEDURES FOR ADVISORY REVIEW OF DIRECT-TO-CONSUMER TELEVISION ADVERTISING.'' According to Section 101(c) of H.R. 3580, ''the fees authorized by the amendments made in this title will

be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals . . .in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the CONGRESSIONAL RECORD.''

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on September 27, 2007, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

The agency-industry agreement on prescription drug user fees includes, for each of the 5 fiscal years of the reauthorization, an additional $29,290,000 and 82 full time employees for the postmarket drug safety activities described in the document. These funds are augmented in Title I of H.R. 3580 by an additional $225 million for postmarket drug safety, $25 million for fiscal year 2008, $35 million for fiscal year 2009, $45 million for fiscal year 2009, $55 million for fiscal year 2010, and $65 million for fiscal year 2011. The FDA will use this $225 million to implement the postmarket drug safety programs and authorities set out in Title IX of H.R. 3580.

I ask unanimous consent this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH AND HUMAN SERVICES,
Washington, DC, September 27, 2007.

EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: I want to congratulate you for completing action on the FDA Amendments Act, H.R. 3580. As you know, this bill contains the reauthorization of user fees for drugs and devices as well as other key provisions vital to the Food and Drug Administration. We appreciate your support and hard work on this legislation, the commitment of Members of the Committee in working out these measures, and the support shown by the full Senate.

I am including as enclosures to this letter the two commitment documents for the drug and device user fee programs which outline the agreements between the Agency and the industries with regard to application approval timeframes, issuance of guidances, post market program enhancements, and milestones for other activities to be supported by user fees. These documents cover fiscal years 2008 through 2012 and they represent the commitment of the Department and the FDA to carry out the goals under the mutual agreement with the industries.

Thank you again for successful enactment of the FDA Amendments Act. I look forward to working with you as we proceed with the implementation of this legislation.

Sincerely,

MICHAEL O. LEAVITT,
Secretary.

SECTION A: PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2008 THROUGH 2012

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the [cite statute] are summarized below.

Unless otherwise stated, goals apply to cohorts of each fiscal year (FY).

I. REVIEW PERFORMANCE GOALS

A. NDA/BLA Submissions and Resubmissions

1. Review and act on 90 percent of standard original NDA and BLA submissions within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and BLA submissions within 6 months of receipt.

3. Review and act on 90 percent of Class 1 resubmitted original applications within 2 months of receipt.

4. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

B. Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplement within 6 months of receipt.

C. Resubmitted Efficacy Supplements

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

D. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

E. These review goals are summarized in the following table:

ORIGINAL AND RESUBMITTED NDAs/BLAs AND EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Original Applications	90% in 10 Mo	90% in 6 Mo.
Class 1 Resubmissions	90% in 2 Mo	90% in 2 Mo.
Class 2 Resubmissions	90% In 6 Mo	90% in 6 Mo.
Original Efficacy Supplements.	90% in 10 Mo	90% in 6 Mo.
Class 1 Resubmitted Efficacy Supplements.	90% in 2 Mo	90% in 2 Mo.
Class 2	90% in 6 Mo	90% in 6 Mo.
MANUFACTURING SUPPLEMENTS		
FY 2008–2012	90% in 6 Mo	90% in 4 Mo.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

A. The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

B. For biological products, for purposes of this performance goal, all original BLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal Type A meeting, or within 21 calendar days of the Agency's receipt of a request from industry for a formal Type B or Type C meeting (i.e., a scheduled face-to-face, teleconference, or videoconference), CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90% of Type A meeting requests and within 21 days for 90% of Type B and Type C meeting requests.

B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

a) Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

b) Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

c) Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe.

C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide:

a) A brief statement of the purpose of the meeting;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A listing of planned external attendees;

e) A listing of requested participants/disciplines representative(s) from the Center;

f) The approximate time that supporting documentation (i.e., the ''backgrounder'') for the meeting will be sent to the Center (i.e., ''x'' weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a ''Type B'' meeting will be honored except in the most unusual circumstances.

Sponsors are encouraged to consult available FDA guidance to obtain further information on recommended meeting procedures.

IV. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

V. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal: 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

VII. ADDITIONAL PROCEDURES

A. Simplification of Action Letters

To simplify regulatory procedures, CBER and CDER intend to amend their regulations and processes to provide for the issuance of either an ''approval'' (AP) or a ''complete response'' (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of Sponsor Notification of Deficiencies in Applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of a ''discipline review'' (DR) letter when each discipline has finished its initial review of its section of the pending application.

VIII. ENHANCEMENT AND MODERNIZATION OF THE FDA DRUG SAFETY SYSTEM

FDA will use user fees to enhance and modernize the current U.S. drug safety system. FDA will adopt new scientific approaches, improve the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, and continue to enhance and improve communication and coordination between post-market and pre-market review staff. Enhancements to the post-market drug safety system will improve the public health by increasing patient protection while continuing to enable access to needed medical products. User fees will provide support for 1) preparing and implementing a 5-year plan to modernize drug safety, including improving communication and coordination between the post-market and pre-market review staff, 2) conducting and/or supporting activities designed to modernize the process of pharmaco-vigilance, 3) developing with sponsors, reviewing, and monitoring implementation of risk management plans, and 4) related activities.

A. Development of 5-year plan, and Communications and Technical Interactions

1. The FDA will develop and periodically update a 5-year plan describing activities that will lead to enhancing and modernizing FDA's drug safety activities/system. The activities described in the 5-year plan will include:

a) Assessment of current and new methodologies to maximize the public health benefit associated with collecting adverse event information at various points during the product lifecycle;

b) With input from academia, industry, and others from the general public, identifying epidemiology best practices and developing guidance(s) describing these practices;

c) Expanding CBER/CDER's database acquisition and use for the purposes of targeted post-marketing surveillance and epidemiology;

d) Developing and validating risk management and risk communication tools, including assessing the effectiveness of risk management plan agreements and developing, implementing, and evaluating mechanisms for public communications about the benefits and risks of drugs and biological products;

e) Improving post-market IT systems (e.g., AERS 2, safety tracking system, and opportunities for linked data management);

f) Enhancing and improving communication and coordination between the Office of Surveillance and Epidemiology and the Office of New Drugs in CDER and the Office of Biostatistics and Epidemiology and the pre-market product review Offices in CBER, including activities to assess the impact and value of routinely including post-market review staff on pre-market review teams.

2. The plan will be drafted, published on the FDA website, and updated as follows:

a) FDA will publish a draft of the plan by March 31, 2008. At that time, FDA will solicit and consider comments from the public on the draft plan. The public comment period will be at least 45 calendar days. FDA will complete revisions to the plan and publish the final version no later than December 31, 2008.

b) By the end of FY 09, FDA will conduct an annual assessment of progress against the plan to be published on the FDA website. The report will describe progress on issues outlined in the five year plan. In addition, the report will include FDA efforts to facilitate the interactions between OND/OSE related to the process of evaluating and responding to post-marketing drug safety/adverse event reports.

c) FDA will publish updates to the plan as FDA deems necessary. FDA will publish on the FDA website draft revisions to the plan, solicit comments from the public on those draft revisions, and consider the public comments before completing and publishing updates to the plan.

B. Conduct and support activities designed to modernize the process of pharmaco-vigilance

1. Maximize the Public Health Benefit of Adverse Event (AE) Collection Throughout

the Product Life Cycle: By the end of FY 08, FDA will publish a Request for Proposals (RFP) to solicit proposals from outside research organizations to conduct research on determining the best way to maximize the public health benefit associated with collecting and reporting serious and non-serious adverse events occurring throughout a product's life cycle. Central to addressing this question are determining the number and type of safety concerns discovered by AE collection, the age of products at the time safety concerns are detected by AE collection, and the types of actions that are subsequently taken to protect patient safety. Contractor(s) should study adverse event collection both within and outside the U.S. Contract(s) will be awarded during FY 09 and the completion of study(ies) targeted for FY 11.

2. Epidemiology Best Practices and Guidance Document Development: During FY 08, the FDA, with input from academia, industry, and others from the general public, will hold a public workshop to identify epidemiology best practices. The workshop will examine current epidemiology practices both within and outside the U.S. By the end of FY 10, CDER and CBER jointly will develop and issue a draft guidance document that addresses epidemiology best practices and provides guidance on carrying out scientifically sound observational studies using quality data resources. A final guidance will be issued in FY 11.

3. Expanding Database Resources: A critical part of the transformation of the drug safety program is maximizing the usefulness of tools used for adverse event signal detection and risk assessment. To achieve this end, data other than passive spontaneous reports, including population-based epidemiological data and other types of observational data resources will be used and evaluated. Access to these types of data will expand the FDA's capability to carry out targeted postmarketing surveillance, look at class effects of drugs, and potentially carry out signal detection using data resources other than reports from AERs system. PDUFA funds will be used to obtain access to additional databases, to train existing staff, and to hire additional epidemiologists and programmers to be able to use these new resources.

4. Development and Validation of Risk Management and Risk Communication Tools: During FY 08, FDA will develop a plan to 1) identify, with input from academia, industry, and others from the general public, risk management tools and programs for the purpose of evaluation and 2) conduct assessments of the effectiveness of identified Risk Minimization Action Plans (RiskMAPS) and current risk management and risk communication tools. A public workshop will be held during FY 09 to obtain input from industry and other stakeholders regarding the prioritization of the plans and tools to be evaluated. Starting in FY 09, FDA will conduct annual systematic public discussion and review of the effectiveness of one to two risk management program(s) and one major risk management tool. Reports of these discussions will be posted on the FDA website.

C. Review of risk management plans

FDA may use user fees for the review of risk management plans and related activities (e.g., meeting with sponsors, collaborations between review divisions and the appropriate safety group in CDER or CBER, and reviews of periodic reports on the implementation of any risk management plan).

D. Other Activities

FDA will establish the following standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information:

1. Enhanced adverse event reporting system and surveillance tools;

2. IT infrastructure to support access and analyses of externally-linked databases; and

3. Workflow tracking system.

IX. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

A. Review Performance Goals—Drug/Biological Product Proprietary Names

1. Proprietary names submitted during IND phase (as early as end-of-phase 2)

a) Review 50% of proprietary name submissions filed during FY 09 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) Review 70% of proprietary name submissions filed during FY 10 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

c) Review 90% of proprietary name submissions filed during FYs 11 and 12 within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

d) If proprietary name is found to be unacceptable, sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

e) If proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

f) Complete submission is required to begin the review clock.

2. Proprietary names submitted with NDA/BLA

a) Review 50% of NDA/BLA proprietary name submissions filed during FY 09 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) Review 70% of NDA/BLA proprietary name submissions filed during FY 10 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

c) Review 90% of NDA/BLA proprietary name submissions filed during FYs 11 and 12 within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

d) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (IND phase after end of phase 2) and has received tentative acceptance.

e) If proprietary name is found to be unacceptable, sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

f) If proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

g) Complete submission is required to begin the review clock.

3. Guidance Document Development

a) By the end of FY 08, FDA will publish a final guidance on the contents of a complete submission package for a proposed proprietary drug/biological product name.

b) By the end of FY 09, FDA will prepare a MaPP (Manual of Policies and Procedures) to ensure that FDA internal processes (e.g., Division of Medication Errors and Technical Support, Division of Drug Marketing, Advertising, and Communications, Office of New Drugs, CDER and Advertising and Promotional Labeling Branch, CBER) are consistent with meeting the proprietary name review goals.

c) By the end of FY 10, after public consultation with academia, industry, and others from the general public, FDA will publish a draft guidance on best practices for naming, labeling and packaging drugs and biologics to reduce medication errors. Final guidance will be published by the end of FY 11.

d) By the end of FY 12, after public consultation with industry, academia and others from the general public, FDA will publish a draft guidance on proprietary name evaluation best practices. Publication of final guidance on proprietary name evaluation best practices will follow as soon as feasible.

B. Pilot Program

During PDUFA IV, FDA will develop and implement a pilot program to enable pharmaceutical firms participating in the pilot to evaluate proposed proprietary names and submit the data generated from those evaluations to the FDA for review.

1. FDA will hold a public technical meeting to discuss the elements necessary to create a concept paper describing the logistics of the pilot program, the contents of a proprietary name review submission, and the criteria to be used by FDA to review submissions under the pilot program. Subsequently, by the end of FY 08, FDA will publish the concept paper.

2. By the end of FY 09, FDA will begin enrollment into the pilot program.

3. By the end of FY 11, or subsequent to accruing two years of experience with pilot submissions, FDA will evaluate the pilot program.

C. Other Activities

1. FDA and industry are interested in exploring the possibility of ''reserving'' proprietary names for companies once the names have been tentatively accepted by the Agency. By the end of FY 08, FDA will initiate a public process to discuss issues around ''reserving'' proprietary names.

2. FDA will provide the full source code and supporting technical documentation for the Phonetic and Orthographic Computer Analysis (POCA) tool and make it available on disk for use by industry and others from the general public by end of FY 08.

X. FIRST CYCLE REVIEW PERFORMANCE PROPOSAL

A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, telephone conference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 14 calendar days after the 60-day filing date.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

B. Notification of Planned Review Timelines

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will inform the applicant of the planned timeline for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling and postmarketing study commitments (PMCs) the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 14 calendar days after the 60-day filing date.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding the individual application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of original BLA and NME NDA applications beginning in FY 09; 90% of efficacy supplements for new or expanded indications beginning in FY 10; 90% of all original NDAs/BLAs beginning in FY 11; and 90% of all efficacy supplements beginning in FY 12 (see table below).

(Percent)

	FY 08	FY 09	FY 10	FY 11	FY 12
Original BLAs and NME NDAs	—	90	90	90	90
Efficacy supplements for new/expanded indications	—	—	90	90	90
All original NDAs	—	—	—	90	90
All efficacy supplements	—	—	—	—	90

6. Should the applicant submit any unsolicited major amendment(s) to the application (e.g., a major new clinical safety/efficacy study report, major re-analyses of previously submitted study(ies)) and if the division chooses to review such amendment(s) during that review cycle, the planned review timeline will no longer be applicable (even if the unsolicited major amendment leads to an extension of the overall PDUFA review clock). No new planned review timeline need be provided in such cases; however, the overall PDUFA action goal date, including any extension, will still apply. The division will notify the applicant promptly of its decision regarding review of the unsolicited major amendment(s) and whether the planned review timeline is still applicable.

7. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling or PMCs by the target date identified in the planned review timeline (e.g., failure to demonstrate efficacy, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMP and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, telephone conference, facsimile, secure e-mail, or other expedient means. Communication of the deficiencies identified will generally occur through issuance of a discipline review letter(s) in advance of the planned target date for initiation of postmarketing study commitments and labeling discussions.

8. Should the applicant submit a major amendment(s) (e.g., a major new clinical safety/efficacy study report, major re-analyses of previously submitted study(ies)) to provide information or data requested by FDA during the review (e.g., a solicited major amendment) and if the division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated will generally no longer be applicable. If the solicited major amendment does not result in an extension of the overall PDUFA review clock, and depending upon the circumstances, the review division may choose to retain the previously communicated planned review timeline (e.g., the solicited major amendment is submitted early in the review cycle, review of the amendment is not expected to significantly alter the division's planned review timeline). If the solicited major amendment is submitted during the last 90 days of the review cycle and results in an extension of the PDUFA action date (review clock), the review division will establish a new review timeline for communication of feedback on proposed labeling and PMCs. The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable. If the solicited major amendment results in an extension of the overall PDUFA review clock, the division will communicate a new planned review timeline to the applicant at the time of the clock extension.

C. Report on Review Timeline Performance

1. FDA will report its performance in meeting the goals for inclusion of a planned review timeline with the notification of issues identified during the filing review in the annual PDUFA performance report.

2. FDA will report its performance in meeting the planned review timeline for communication of labeling comments and PMC requests in the annual PDUFA performance report. The report will include the percentage of applications for which the planned target dates for communication of labeling comments and PMC requests were met. The report will also note how often the planned review timeline was met based on communication of labeling comments and PMC requests by the target date and how often such communication did not occur due to FDA's determination that significant deficiencies in the application precluded communication of labeling comments and PMC requests at the time initially projected. Communication of labeling comments and PMC requests, or communication of FDA's determination that significant deficiencies preclude initiation of such discussions, within 7 calendar days of the target date stated in the planned review timeline will be considered to have met the target date. FDA will also report the number of times that the review timelines were inapplicable due to the Agency's decision to review an unsolicited major amendment or a solicited major amendment that did not result in an extension of the review clock (unless the review division chose to retain the previously communicated planned review timeline.)

3. FDA will engage an independent outside consultant to conduct an analysis of the Agency's success in adhering to the planned review timelines. The contractor will assess the factors, based on input from both the FDA and the applicants, that contributed to the ability of the Agency to adhere to the planned review timelines and those factors attributable to either the FDA or the applicant that contributed to failure to adhere to the planned review timeline. A final report will be provided to FDA at least 6 months before the end of FY 11. FDA will make available a releasable version of the final report within 2 months of receipt from the independent outside consultant.

D. Standard Operating Procedures and Training

FDA will develop harmonized (CBER/CDER) standard operating procedures (SOPs) regarding the notification of planned review timelines. These SOPs will be finalized and implemented by the end of FY 08. Training will be provided to all CBER and CDER review staff on the harmonized (CBER/CDER) standard operating procedures. Training will continue for all new review staff and refresher training will be provided to all review staff as necessary through FY 12.

XI. EXPEDITING DRUG DEVELOPMENT

A. Guidance Development: FDA will develop and publish for comment draft guidances on the following topics by the end of the indicated Fiscal Year of PDUFA-IV. FDA will complete the final guidances within one year of the close of the public comment period.

1. Clinical Hepatotoxicity—FY 2008
2. Non-inferiority Trials—FY 2008
3. Adaptive Trial Designs—FY 2008
4. End of Phase 2(a) Meetings—FY 2008
5. Multiple Endpoints in Clinical Trials—FY 2009
6. Enriched Trial Designs—FY 2010
7. Imaging Standards for Use as an End Point in Clinical Trials—FY 2011

B. Ongoing Scientific Collaboration: FDA will participate in workshops with representatives from the scientific community (including industry, academia and other interested stakeholders) to further the science toward development of guidance documents in the following areas:

1. Predictive Toxicology
2. Biomarker Qualification
3. Missing Data

C. FDA will participate in workshops and other public meetings to explore new approaches to a structured model for benefit/risk assessment. The results of these interactions will be used to assess whether pilot(s) of such new approaches can be conducted during PDUFA–IV. These efforts may lead to the development of guidance documents.

XII. POSTMARKETING STUDY COMMITMENTS

FDA will develop harmonized (CBER/CDER) standard operating procedures that articulate the Agency's policy and procedures (e.g., timing, content, rationale and vetting process) for requesting that applicants agree in writing to voluntary postmarketing study commitments. The SOPs will be finalized prior to the end of FY 08. In developing these SOPs, the Agency will take into consideration the findings of the contractor study of current Agency procedures to be completed during FY 07. FDA will make available a releasable version of the final report within 2 months of receipt from the contractor. Training will be provided to all CBER and CDER review staff on the harmonized (CBER/CDER) standard operating procedures. Training will continue for all new review staff and refresher training will be provided to all review staff as necessary through FY 12.

XIII. IMPROVING FDA PERFORMANCE MANAGEMENT

A. The studies conducted under this initiative are intended to foster:

1. Development of programs to improve access to internal and external expertise
2. Reviewer development programs, particularly as they relate to drug review processes
3. Advancing science and use of information management tools
4. Improving both inter- and intra-Center consistency, efficiency, and effectiveness
5. Improved reporting of management objectives
6. Increased accountability for use of user fee revenues
7. Focused investments on improvements in the process of drug review
8. Improved communication between the FDA and industry

B. Studies will include:

1. Assessment of the impact of the electronic submission and review environment on the efficiency and effectiveness of the overall process for the review of human drugs.
2. Assessment of the progress toward full implementation of Good Review Management Principles, focusing on both FDA reviewer practices and industry sponsor practices affecting successful implementation.
3. Assessment by an independent accounting firm of the review activity adjustment methodology (as described in section 736(c)(2) that is applied in FY 09 with recommendations for changes, if warranted

XIV. INFORMATION TECHNOLOGY GOALS

A. Objectives

1. FDA is committed to achieve the long-term goal of an automated standards-based information technology (IT) environment for the exchange, review, and management of information supporting the process for the review of human drug applications throughout the product life cycle. Towards this goal, FDA will work toward the accomplishment of the following objectives by the end of FY 12:

a) Develop and periodically update an IT plan, as defined in Sections B) and C) below, covering a rolling five-year planning horizon.

b) Develop, implement, and maintain new information systems consistently across all organizational divisions participating in the process for the review of human drug applications, and in compliance with the IT plan, the FDA's program-wide governance process, the FDA's target enterprise architecture, and with HHS enterprise architecture standards. The consistency of development, implementation, and maintenance of new information systems will be determined by the FDA based on considerations of program efficiency and effectiveness. Emphasis will be placed on the consistency of interactions with regulated parties and other external stakeholders.

c) Update technical specifications and IT-related guidance documents as necessary to reflect consistent program-wide implementation of new information systems supporting electronic information exchange between FDA and regulated parties and other external stakeholders.

d) Extend the capability of the secure electronic single point of entry to include two-way transmission of regulatory correspondence.

e) Establish an automated standards-based regulatory submission and review environment for INDs, NDAs, and BLAs, and their supplements, that enables the following functions over the life cycle of the product:

(1) Electronic IND, NDA, and BLA submissions received by FDA can be archived to enable retrieval through standardized automated links;

(2) Electronic IND, NDA, and BLA submissions can include cross-references to previously submitted electronic materials through standardized automated links; and

(3) Archived electronic IND, NDA, and BLA submissions can be retrieved through standardized automated links.

f) Establish a system for electronic exchange and management of human drug labeling information in a modular manner (e.g., at the label section level) that is based on FDA standards and that enables revision tracking.

g) Establish standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information, as described in Section VIII addressing the enhancement and modernization of the FDA drug safety system.

B. Communications and Technical Interactions

1. FDA will develop and periodically update a five-year IT plan for improving the automation of business processes and acquiring and maintaining information systems to achieve the objectives defined above in PDUFA IT Goal A. The plan will include measurable or observable milestones toward achievement of those objectives.

2. The IT plan will be reviewed and approved through the appropriate FDA governance process to ensure it conforms to the Agency's overall long-term automation strategy.

3. The IT plan will be drafted, published on the FDA web site, and updated as follows:

a) FDA will publish a draft of the IT plan by December 31, 2007. At that time, FDA will solicit and consider comments from the public on the draft IT plan. The public comment period will be at least 45 calendar days. FDA will complete revisions to the IT plan and publish the final version no later than May 30, 2008.

b) FDA will conduct an annual assessment of progress against the IT plan and publish on the FDA web site a summary of the assessment within 2 months after the close of each fiscal year.

c) FDA will publish updates to the IT plan as FDA deems necessary to achieve the objectives defined in PDUFA IT Goal A. FDA will publish on the FDA web site draft revisions to the IT plan; solicit comments from the public on those draft revisions; and consider the public comments before completing and publishing updates to the IT plan.

4. The FDA and industry stakeholders will meet on a quarterly basis to discuss ongoing implementation of the IT plan, status of IT metrics as available, and potential impacts that future activities may have on stakeholders. These meetings will also be used to discuss potential FDA revisions to the IT plan based on operational experience.

C. Standards and IT Plan

The IT plan referenced in PDUFA IT Goal B will provide a vision for FDA standards and technical infrastructure supporting the process for the review of human drug applications and will address the following:

1. A description of the scope and approach for an evaluation and design of the target enterprise architecture necessary to achieve the objectives defined in PDUFA IT Goal A.

2. The business processes targeted for automation to achieve business-driven objectives.

3. Which electronic data standards, including the associated Standards Development Organization, are being considered for adoption or development. (Note: The FDA's process for adopting or developing standards includes the consideration of existing open consensus standards prior to the development of new standards. FDA participates in international Standards Development Organizations and supports global harmonization of data standards through open structured processes.)

4. Implementation of information systems that are based on the electronic data standards.

5. Training for system users, stakeholder adoption, and communications for transitioning to new or reengineered information systems supporting the process for the review of human drug applications.

6. A description of FDA's processes for

a) evaluating business processes for electronic information exchange between FDA and regulated parties or external stakeholders;

b) evaluating, adopting or developing electronic data standards for information exchange between FDA and regulated parties or external stakeholders; and

c) developing, piloting, and deploying information systems that use those standards in supporting the process for the review of human drug applications.

D. Metrics and Measures

FDA will measure progress toward achievement of the objectives defined in PDUFA IT Goal A. Measures will include:

1. The number and percentage of IND, NDA, and BLA submissions received in valid electronic format in compliance with FDA standards, categorized by types of submissions. Increasing the number and percentage of IND, NDA, and BLA submissions received in valid electronic format is a goal that is supported by the FDA and industry stakeholders. Achievement of this goal requires the cooperation of regulated industry. To support the assessment of this goal, the following information will be tracked and reported at least annually:

a) Total number of submissions categorized by type of submission;

b) Total number of submissions in valid electronic format in compliance with FDA standards

c) Total number of submissions received through the secure electronic single point of entry versus other methods; and

d) Total number of submissions received substantially on paper.

2. Total number of standards-based electronic submissions that fail to comply with FDA electronic submission standards, along with a distribution of these submission failures across categories of failure or problem type.

3. Annual spending on maintenance of legacy IT systems and IT systems that are common across the organizational divisions participating in the process for the review of human drug applications.

4. Other measures and milestones to be identified in the IT plan addressed under Sections B and C above.

XV. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application, efficacy supplement, or resubmission of any of these applications, submitted within three months of a goal date, may extend the goal date by three months. A major amendment to a manufacturing supplement submitted within two months of the goal date extends the goal date by two months. Only one extension can be given per review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling

2. Draft labeling

3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)

4. Stability updates to support provisional or final dating periods

5. Commitments to perform Phase 4 studies, including proposals for such studies

6. Assay validation data

7. Final release testing on the last 1–2 lots used to support approval

8. A minor reanalysis of data previously submitted to the application (determined * * *

9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)

10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any items that would require presentation to an advisory committee.

F. A Type A meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a ''critical path'' meeting) or to address an important safety issue.

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or 3) a pre-NDA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C meeting is any other type of meeting.

I. The performance Goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

J. IT Definitions (see section XI)

1. ''Automation of business processes'' refers to the development and deployment of information systems that support program activities (i.e., business processes) conducted under the process for the review of human drug applications. The purpose of business process automation is to support decision making by FDA program managers and reviewers. The scope of business process automation is determined by program managers toward the objective of more efficient and effective program operations.

2. ''Program'' refers to the organizational resources, procedures, and activities assigned to conduct ''the process for the review of human drug applications,'' as defined in the Prescription Drug User Fee Act.

3. ''Standards-based'' means compliant with published specifications that address terminology or information exchange between the FDA and regulated parties or external stakeholders, as adopted by the FDA or other agencies of the federal government, and often based on the publications of national or international Standards Development Organizations.

4. ''FDA Standards'' means technical specifications that have been adopted and published by the FDA through the appropriate governance process. FDA standards may apply to terminology, information exchange, engineering or technology specifications, or other technical matters related to information systems. FDA standards often are based on the publications of other federal agencies, or the publications of national or international Standards Development Organizations.

5. ''Product life cycle'' means the sequential stages of human drug development, regulatory review and approval, post-market surveillance and risk management, and where applicable, withdrawal of an approved drug from the market. In the context of the process for the review of human drug applications, the product life cycle begins with the earliest regulatory submissions in the Investigational New Drug (IND) phase, continues through the New Drug Application (NDA) or Biological Licensing Application (BLA) review phase, and includes post-market surveillance and risk management activities as covered under the process for the review of human drug applications.

6. ''The FDA's program-wide IT governance process'' includes centralized oversight of all data and technology standards adoption, technology acquisition, and funding allocation.

7. ''The FDA's target enterprise architecture'' includes data and technology standards for the electronic exchange and management of information supporting the process for the review of human drug applications.

SECTION B: PERFORMANCE GOALS AND PROCEDURES FOR ADVISORY REVIEW OF DIRECT-TO-CONSUMER TELEVISION ADVERTISING FISCAL YEARS 2008 THROUGH 2012

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the direct-to-consumer television advertising user fee program in Section 736A of the Federal Food, Drug, and Cosmetic Act are summarized below.

I. FINDINGS

A. FDA's advisory review of proposed prescription drug television advertisements helps to ensure that these advertisements communicate information to consumers that is accurate, balanced, and adequately substantiated, thereby improving the quality of these advertisements.

B. It is important to industry and FDA to provide predictability in the timeframe for reviewing and providing written comments on direct-to-consumer television advertisements submitted to FDA for advisory review before initial dissemination.

C. FDA needs additional resources to ensure that it has adequate staff to provide advisory reviews of direct-to-consumer television advertisements in a timely manner.

D. A program that requires payment of user fees by those who choose to voluntarily submit direct-to-consumer television advertisements for advisory review by FDA is established to provide needed resources to FDA and improve the timeliness of FDA advisory reviews while maintaining the quality of the reviews.

E. Each submission for advisory review will be assessed a fee, but the sponsor may resubmit that advertisement one time after receiving comments without further fee assessment.

F. Under this program, it is important to ensure that FDA has the resources needed to hire and retain adequate staff to meet review performance goals.

G. Because reviews from this program are dependant on submissions which are unpredictable, the statute establishes a reserve fund to maintain a staff that can meet the review performance goals in case user fees for any year of the program are not adequate. In addition, user fees for all submissions during a fiscal year are to be paid at the start of each fiscal year or late fees will be assessed.

II. REVIEW PERFORMANCE GOALS

A. Goals for First 150 Advisory Review Submissions.

Fiscal Year 2008:

1. Review and provide advisory comments for 75 original submissions within 45 days (50% of 150).

2. Review and provide advisory comments for 37 resubmissions of original submissions within 30 days (50% of 75 resubmissions).

Fiscal Year 2009:

1. Review and provide advisory comments for 90 original submissions (60% of 150) within 45 days.

2. Review and provide advisory comments for 45 resubmissions (60% of 75) within 30 days.

Fiscal Year 2010:

1. Review and provide advisory comments for 105 original submissions (70% of 150) within 45 days.

2. Review and provide advisory comments for 52 resubmissions (70% of 75) within 30 days.

Fiscal Year 2011:

1. Review and provide advisory comments for 120 original submissions (80% of 150) within 45 days.

2. Review and provide advisory comments for 60 resubmissions (80% of 75) within 30 days.

Fiscal Year 2012:

1. Review and provide advisory comments for 135 original submissions (90% of 150) within 45 days.

2. Review and provide advisory comments for 68 resubmissions (90% of 75) within 30 days.

NOTE: For any goal year, if the number of submissions or resubmissions received is not greater than the number for which the Agency has committed to provide advisory comments on within the goal timeframe, then the goal will be to provide comments on 90% of the number received within the goal timeframe. For example, if FDA receives only 30 resubmissions in fiscal year 2008, then the goal would be to review 27 resubmissions within 30 days.

B. Goals after 150 Submissions

If in any fiscal year after FY 2008, participants in the program indicate (in response to the Federal Register notice) the intent to submit more direct-to-consumer broadcast advertisement submissions for advisory review than were subject to the goals in the prior year, the following performance goals will apply (see Appendix B–1 for specific examples):

1. In the first year of the increase, FDA will review and provide advisory comments for:

a) 50% of the additional paid original submissions over the cohort of original submissions from the previous fiscal year, up to a maximum of 50 additional submissions, within 45 days.

b) 50% of the additional resubmissions over the cohort of resubmissions from the previous fiscal year, up to a maximum of 24 additional resubmissions, within 30 days.

2. In each subsequent year, the performance goals will increase in the same manner as in section A. for each additional cohort of up to 50 additional submissions over the cohort of the prior year (i.e., in the second year after the increase, the goal will be to review 60% of the additional cohort from the prior year (up to 50 submissions) and 50% of any further additions (up to an additional 50 submissions)).

3. For purposes of this adjustment, it is assumed that the number of submissions subject to review metrics cannot decrease from one year to the next even if actual submissions decrease.

4. For purposes of this adjustment, it is assumed that 150 submissions are subject to performance goals in fiscal year 2008.

5. The goals described in this subsection will be calculated based solely on the number of submissions identified in response to the Federal Register notice for that fiscal year.

III. DEFINITIONS AND EXPLANATION OF TERMS

1. The term ''amendment'' shall mean additional documents submitted to FDA to complete an original submission or resubmission. For example, references that have been cited in the original submission but were omitted from the original submission package could be submitted as an amendment.

2. The term ''original submission'' shall mean a proposed television advertisement submission for which a sponsor paid for an advisory review. The proposed television advertisement may not be more than two minutes long.

3. The term ''resubmission'' shall mean a subsequent submission of a revised version of the advertisement contained in an original submission. Any revisions made to the proposed television advertisement must be based on FDA comments on the original submission. The resubmission may not introduce significant new concepts or creative themes into the television advertisement, or

FDA will designate it as an original submission. Revisions that require a consult to another division will be considered to introduce ''significant new concepts or creative themes.''

APPENDIX B–1

EXAMPLE 1: ORIGINAL SUBMISSIONS

If participants indicate the intent to submit 150 submissions in fiscal year 2008; 200 submissions in fiscal year 2009; 224 submissions in fiscal year 2010; 200 submissions in fiscal year 2011; and 250 submissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 150 submissions	FY 09: 200 submissions	FY 10: 224 submissions	FY 11: 200 submissions	FY 12: 250 submissions
Cohort 1 (150 submissions)	75 (50% of 150)	90 (60% of 150)	105 (70% of 150)	120 (80% of 150)	135 (90% of 150)
Cohort 2 (50 submissions)		25 (50% of 50)	30 (60% of 50)	35 (70% of 50)	40 (80% of 50)
Cohort 3 (24 submissions)			12 (50% of 24)	0 (60% of 0)	17 (70% of 24)
Cohort 4 (0 submissions)				0 (50% of 0)	0 (70% of 0)
Cohort 5 (26 submissions)					13 (50% of 26)
Total Target for 45 Day Review Metric	75	115	147	155	205

EXAMPLE 2: ORIGINAL SUBMISSIONS

If participants indicate the intent to submit 150 submissions in fiscal year 2008; 200 submissions in fiscal year 2009; 250 submissions in fiscal year 2010; 300 submissions in fiscal year 2011; and 350 submissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 150 submissions	FY 09: 200 submissions	FY 10: 250 submissions	FY 11: 300 submissions	FY 12: 350 submissions
Cohort 1 (150 submissions)	75 (50% of 150)	90 (60% of 150)	105 (70% of 150)	120 (80% of 150)	135 (90% of 150)
Cohort 2 (50 submissions)		25 (50% of 50)	30 (60% of 50)	35 (70% of 50)	40 (80% of 50)
Cohort 3 (50 submissions)			25 (50% of 50)	30 (60% of 50)	35 (70% of 50)
Cohort 4 (50 submissions)				25 (50% of 50)	30 (60% of 50)
Cohort 5 (50 submissions)					25 (50% of 50)
Total Target for 45 Day Review Metric	75	115	160	210	265

EXAMPLE 3: RESUBMISSIONS

If participants submit 75 resubmissions in fiscal year 2008; 99 resubmissions in fiscal year 2009; 123 resubmissions in fiscal year 2010; 147 resubmissions in fiscal year 2011; and 171 resubmissions in fiscal year 2012, the review metrics will be as follows:

	FY 08: 75 resubmissions	FY 09: 99 resubmissions	FY 10: 123 resubmissions	FY 11: 147 resubmissions	FY 12: 171 resubmissions
Cohort 1 (75 submissions)	37 (50% of 75)	45 (60% of 75)	52 (70% of 75)	60 (80% of 75)	68 (90% of 75)
Cohort 2 (24 submissions)		12 (50% of 24)	14 (60% of 24)	17 (70% of 24)	19 (80% of 24)
Cohort 3 (24 submissions)			12 (50% of 24)	14 (60% of 24)	17 (70% of 24)
Cohort 4 (24 submissions)				12 (50% of 24)	14 (60% of 24)
Cohort 5 (24 submissions)					12 (50% of 24)
Total Target for 30 Day Review Metric	37	57	78	103	130

IRAQ STUDY GROUP

Mr. SALAZAR. Mr. President, last night, we passed the Department of Defense Authorization bill. I want to comment briefly on the debate we had during consideration of that legislation related to the war in Iraq. I am frustrated that we did not reach a bipartisan consensus on a new way forward that could begin to bring an end to this conflict.

When I introduced the Iraq Study Group Recommendations Implementation Act last spring with Senator ALEXANDER and a bipartisan group of our colleagues, I was hopeful we could work constructively with the President toward the goal of having our troops redeployed by the spring of 2008. I was hopeful that we would send a strong signal—with a bipartisan group that eventually grew to 17 Senators—that we should get out of the combat business in Iraq as quickly as possible.

The Iraq Study Group Report was issued 10 months ago. Its core recommendation was that we transition our military mission from combat to training, supporting, and equipping Iraqi security forces. The report said that we should condition our support of the Iraqi Government on its performance in meeting important milestones. The report contemplated that we could be out of the combat business by March 31, 2008.

The report was anticipated with great fanfare. But when it came out, the Bush administration failed to embrace it. The Iraqi Government has failed to meet most of the benchmarks described in the report. General Petraeus has testified, essentially, that we should maintain our combat mission for the foreseeable future. And that March 31 date is only 6 months away.

I still believe in the report. It is still relevant, and it is still important. It sets forth a comprehensive military, political, and economic strategy for bringing a responsible end to the war in Iraq.

But I believe we must build upon the report and take decisive action now to redefine our mission in Iraq and set a clear course for the redeployment of our troops.

Ten months after the Iraq Study Group issued its report, we have failed to begin the transition of our mission that was central to their recommendations. That transition in mission is the key to encouraging the Iraqi Government to take responsibility for the future of their country. The Government Accountability Office has concluded that the Iraqi Government has failed to take that responsibility by meeting the reasonable benchmarks set forth by the Iraq Study Group.

I continue to believe that we must follow the core principles laid out in the Iraq Study Group Report. I continue to believe we need a bipartisan solution to bring this conflict to a responsible end. And I thank each of the cosponsors of our amendment, Republicans and Democrats, for their willingness to join in this important effort. They include Senators ALEXANDER, BENNETT, COLEMAN, COLLINS, DOMENICI, GREGG, SPECTER, and SUNUNU from the Republican side and Democratic Senators PRYOR, CASEY, CARPER, CONRAD, LANDRIEU, LINCOLN, MCCASKILL, and BILL NELSON.

I believe now is the time to build upon the principles set forth by the Iraq Study Group. We must begin a transition of mission from combat to training and support. We must demand more from the Iraqi Government and send a strong and unequivocal message that our commitment is not open-ended. I believe these actions are consistent with the recommendations of the Iraq Study Group, and I remain hopeful that our legislation can be the basis for a constructive, bipartisan solution to the war in Iraq.

HONORING OUR ARMED FORCES

SECOND CLASS CHARLES LUKE MILAM

Mr. SALAZAR. Mr. President, I wish to reflect on the life and service of Navy Hospital Corpsman Second Class Charles Luke Milam. Luke was killed last Wednesday in a rocket attack near the town of Musa Qula, Afghanistan. He was 26 years old.

Luke Milam was a giant of his generation, a man who served his country and those around him with dignity, courage, and honor. I cannot begin to paint the picture of someone so deeply respected by those with whom he served, so committed to helping others.

Luke Milam grew up in Littleton, CO, the youngest of four siblings. He was smart, friendly, and athletic. He loved the mountains of Colorado and spent his time biking, backpacking, hiking, and canoeing.

I do not know what inspired Luke's strong sense of virtue or what led him to join the military. Perhaps it was the service of his grandfather Charles or his brother Keith that moved him to enlist after graduating from high school.

I imagine, though, that Luke's own experiences as a witness to one of the worst tragedies of our time, the shootings at Columbine High School, strengthened his resolve to bring healing, peace, and good to areas torn by violence. Luke Milam was a senior at Columbine when, on April 20, 1999, 2 shooters killed 12 people and wounded 24 others before turning their guns on themselves.

I was Colorado's attorney general when the shootings occurred. The time I spent with the Littleton community in the aftermath—sorting through the events, finding out what went wrong and then helping to rebuild—affirmed my unmatched admiration for the young people who endured one of the darkest moments of American history. So many of Columbine's survivors have gone on to do extraordinary things—it is as though they have committed themselves to overcoming the evil they witnessed by planting hope, decency, and goodness wherever they can. Luke Milam was among them.

Serving as a Navy corpsman with a unit of marines—a special operations unit no less—requires great skill and courage. The corpsman is tasked with providing medical care for marines on the field of battle. It is an incredibly dangerous job that entails carrying a loaded weapon along with the tools of your trade. Some of America's most renowned heroes on the battlefield were hospital corpsmen: people such as Wayne Caron, David R. Ray, and Francis Hammond—Medal of Honor recipients who gave their lives in combat to save others.

Hospital Corpsman Milam served in this tradition. He was highly decorated for his service, earning a Purple Heart, the Bronze Star, two Combat Action ribbons, two Navy and Marine Corps Achievement Medals, two Good Conduct Medals, the National Defense Service Medal, the Global War on Terrorism Medal, and two Sea Service Deployment Ribbons. More importantly for the corpsman, though, Luke Milam earned the deepest respect and admiration of the marines with whom he served.

Luke was on his fourth tour, having served three tours in Iraq. He ''felt it was his calling to help the guys around him,'' his brother Keith said. ''If there were guys in harm's way, he needed to be there to take care of them.''

Almost a century ago, Teddy Roosevelt told a Paris crowd that the model citizen is the man who is willing to take action in pursuit of that which he thinks is right. His speech draws on the same words that family and friends use to describe Luke Milam's virtues.

When evaluating mankind's progress, said Roosevelt, ''it is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.''

Hospital Corpsman Luke Milam sacrificed his life for this Nation as a man who knew that his country needed him to be ''in the arena,'' helping others. He accepted the risks of his job with extraordinary professionalism and served with honor in the best tradition of the corpsman. We cannot repay our debt nor replace his loss.

To Luke's parents, Rita and Michael, to his sister, Jaeme, and to his brothers, Keith and Andrew, I know that no words can describe or assuage the pain you feel. I pray that you can find comfort in the knowledge that Luke was doing something which he truly loved, that he was doing it well, and that he will never be forgotten. His country is eternally grateful. He will endure in our hearts and prayers.

IN RECOGNITION OF SCOTT GUDES

Mr. GREGG. Mr. President, today I wish to pay tribute to Scott Gudes, who leaves his post at the helm of my Budget Committee staff this week. After 29 years of loyal service to the Federal Government, Scott has chosen to become vice president for government relations for the National Marine Manufacturers Association—a job well suited for a man who loves the sea as much as he does.

When I became chair of the Senate Budget Committee in 2005, I asked Scott if he would serve as my staff director. In under a year, under Scott's stewardship, we passed both a budget for the first time in 2 years, specifically the fiscal year 2006 budget resolution, and a reconciliation bill, the Deficit Reduction Act, DRA—marking the first time in 10 years Congress had passed a reconciliation bill to reduce spending.

The DRA was a notable achievement in that it saved $39 billion, a feat which is practically unheard of around here, as the last time it was done was in 1997. These accomplishments could not have been done without Scott, who worked tirelessly to shepherd each authorizing committee through the often confusing reconciliation process. His unique combination of intellect, humor, and humbleness was a key component in navigating the complex waters of the compromise that was necessary to pass the first substantive deficit reduction legislation in 10 years.

Scott followed up his initial year of success by spearheading efforts to develop a more comprehensive approach to restraining spending. His efforts contributed to the introduction of the Stop Over-Spending Act, a budget process reform bill that helped focus the national debate on solutions to our long-term fiscal challenges. Just this year, Scott helped structure the Conrad/Gregg Bipartisan Task Force for Responsible Fiscal Action Act of 2007, legislation that will encourage bipartisan action to put our fiscal house back in order. At heart, Scott is a true nonpartisan who recognizes that the best policy is made when both sides of the aisle work together, and his first instinct is to seek out common ground rather than partisan differences.

However, much like Thomas Jefferson chose to be remembered as author of the Declaration of Independence rather than various elected offices he held, including President, I expect that Scott would rather be remembered for spearheading efforts to write, edit, and publish the ''Budget Committee History'' rather than his impressive legislative credentials. Scott took it upon himself to initiate a historic accounting of the Senate Budget Committee. This labor of love reflects countless interviews and hours chronicling the birth, history, and importance the committee has held in shaping the Federal budget and fiscal policy. His devotion to this project is an example of Scott's love of history and respect for the institution of the Senate.

The handful of aforementioned achievements merely reflects Scott's latest accomplishments in an achievement-filled career. It would be nearly impossible to chronicle the numerous programs and projects he created, funded, and oversaw—programs that improved and enriched both individual lives and the environment.

In addition to his tour of duty at the Senate Budget Committee, Scott has held key positions on both sides of the Capitol, both ends of Pennsylvania Avenue, and a point I like to forget, Scott has even worked on both sides of the aisle. Included in this impressive list are stints as the clerk of the Commerce, Justice, and State Appropriations Subcommittee, professional staff on the Defense Appropriations Subcommittee, and Acting NOAA Administrator, where he championed science, service, and environmental stewardship programs and greatly improved agency morale. In NOAA circles, Scott is a virtual god—king of satellites, staunch advocate of the NOAA Corps and its ships and planes, and an addict of the NOAA label, which I understand is plastered on literally everything under and around his home, car, and office.

But the true bearing of Scott's 29 years of Federal service is not the remarkable list of the jobs he has held, although the list is long and distinguished, but the manner in which Scott

has approached these positions and the people he has touched along the way. Those who know Scott best describe him as a loyal, encouraging, and creative boss, who supports and celebrates those who work with him. Everything Scott does is done in an ''all hands on deck'' manner that gives everyone an opportunity to pitch in and support the common goal.

One cannot talk about Scott without recognizing his acumen for all things trivia—Scott is a virtual trivia savant. He knows the answer to nearly every trivia question, regardless of topic, and can somehow relate every event back to an old movie or seventies rock song. He will search to the end of the Internet to find a historic or comic analogy to make a point about fiscal responsibility, or often the lack of it. He is equally conversant on the latest entertainment news and military strategies of ancient times. The influence of his crosscutting interest and knowledge has occasionally found its way to the Senate floor, where both the Geico Caveman and a Rube Goldberg cartoon have been used to drive home a point.

As a lifelong boater, fisherman, and lover of all things relating to the ocean, Scott reminds me of the remarks that President Kennedy made at the 1962 America's Cup sailing race. He said, ''All of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea—whether it is to sail or to watch it—we are going back from whence we came.''

Kathy joins me in wishing Scott well as he joins the National Marine Manufacturers Association, to ''go back from whence he came'' and advocate on behalf of issues he is most passionate about. As he sets off for new adventures with his wife Ann, and, of course, Buddy the Budget beagle dog by his side, Scott leaves in his wake a nation that is better off for his service, and colleagues that will miss him dearly.

CHILD HEALTH DAY

Mr. JOHNSON. Mr. President, I rise today in recognition of Child Health Day. Under a joint resolution of Congress, the President has proclaimed National Child Health Day each year since 1928. It is especially fitting that we celebrated Child Health Day yesterday, October 1, 2007, just 4 days after this body approved legislation to reauthorize the Children's Health Insurance Program, or CHIP, improving benefits and ensuring that 10 million American children receive health insurance coverage.

Child Health Day serves to focus attention on children's health issues. Past themes of this day have ranged from prenatal care, childhood injury prevention, the importance of immunizations and prenatal care. This year's theme is ''Building a Bright Future Through Preventive Health,'' and this is exactly what Congress seeks to do with the bipartisan reauthorization of CHIP sent to the President for his signature.

The role of preventive health care in ensuring the well-being of all people is well established, but such care is especially critical for children. The American Academy of Pediatrics, AAP, recommends that children receive routine preventive health services such as immunizations, vision and hearing checks, and screenings for signs of developmental or medical problems. These recommendations include 6 preventive care visits during a child's first year, 3 visits during the second year, and 17 preventive visits between ages 2 and 21.

Unfortunately, many of our Nation's children do not receive these important physician visits. A survey of literature by the Commonwealth Fund found that estimates of the number of children who receive all their recommended visits range from 37 percent to 81 percent. Critically, this review concluded that insurance coverage is the most powerful indicator of whether a child receives all recommended well-child care. One study determined that just 68 percent of uninsured children receive the recommended preventive care, compared with 76 percent of privately insured children and 85 percent of publicly insured children.

The Children's Health Insurance Reauthorization Act will increase the number of children who receive this important preventive care. Simply by providing nearly 4 million uninsured children with insurance coverage will increase the likelihood that they will be screened for developmental and medical problems, receive all their immunizations, and benefit from regular hearing and vision checks. In addition, the legislation ensures that children who receive their health coverage through Medicaid are entitled to all medically necessary early periodic screening, diagnosis, and treatment, EPSDT, services. These services are required in every State and are designed to improve the health of low-income children by addressing their physical, mental, and developmental health needs.

As we recognize Child Health Day, I wish to congratulate Congress on its bipartisan effort to improve child health through reauthorization of the Children's Health Insurance Program. I also urge President Bush, in the spirit of Child Health Day, to drop his veto threat and sign this legislation. This is the single most important action he can take to ensure more children get the health care they deserve.

SPECIAL OLYMPICS

Mr. HARKIN. Mr. President, over the next 10 days, a remarkable event will unfold in Shanghai, China. Every 2 years, thousands of Special Olympics athletes from around the world come together to showcase their athletic skills and celebrate the spirit of Special Olympics. Starting today, more than 7,500 Special Olympians will begin competing in Shanghai in the 2007 Special Olympics World Summer Games.

Over the coming 10 days, tens of thousands of athletes, coaches, volunteers, family members, government and industry officials, plus experts in health and education from 165 countries have come together to celebrate the talents of those among us who have intellectual disabilities. This spectacular event is not about athletic skill as much as it is about determination, courage, and the desire to compete.

I can speak firsthand about what a rewarding experience it is for all of us who have been involved in Special Olympics. Last year, my State of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

I am pleased that three extraordinary athletes from Iowa are now in China competing: Corey Leonhard in track, and Jenna Schrack and Jody Sheriff competing in bowling. Team USA includes 401 athletes, and 102 of them are at the World Games today.

Special Olympics is not just about sports. It is about spirit, and it is about drawing out the best in all of us. The Special Olympics organization is responsible for much more than the games. Its Special Olympics Healthy Athletes Program, developed over a decade ago, focuses on the health, fitness, and well-being of people with and without disabilities. Last year alone, it made possible more than 135,000 health care screenings. Volunteer health care professionals and students were trained to provide the screening and compile the data. In China, medical volunteers will provide health examinations free of charge, including dental, vision, and hearing exams.

The Special Olympics is both a world-class sporting event and a world-class humanitarian experience. Many countries have sent delegations to the games. In addition to our athletes and volunteers attending the Opening Ceremonies, the U.S. delegation will include Department of Education Secretary Margaret Spellings, figure skating champion Michelle Kwan, former Assistant Secretary of Education John Hager, Ernie Banks of the National Baseball Hall of Fame, Lynn Fuchs, Professor of Special Education and Human Development at Vanderbilt University, Anne Sweeney of Disney Media Networks and Disney-ABC Television Group, Jennifer Polk Wardlow, a Special Olympics North Carolina athlete, Dr. Tim Shriver, chairman of the board of Special Olympics, and the incomparable Eunice Kennedy Shriver, founder of Special Olympics.

Mr. President, I regret that, with the Senate in session, I couldn't attend today's opening ceremonies. But my

thoughts are with each and every one of Special Olympics athletes. I wish them all the very best.

ADDITIONAL STATEMENTS

KCUR–FM RADIO 50TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to KCUR Radio, 89.3 FM, licensed to the curators of the University of Missouri and operating from the campus of the University of Missouri-Kansas City. KCUR Radio is celebrating 50 years of continuous service to our community on October 21, 2007.

KCUR Radio entertains, enlightens, and informs, enhancing the quality of life for listeners by broadcasting and webcasting noncommercial radio programming 24 hours a day, including 20 hours of news each weekday.

KCUR Radio has been recognized for groundbreaking features and extensive coverage of politics, the arts, health, and minority matters.

KCUR Radio has grown from a station with 2 full-time employees and a signal range of 4 miles, to 23 full-time broadcast professionals and 17 part-time employees, reaching a 90-mile radius of northwestern Missouri and northeastern Kansas, and has raised funds to support staff growth, update equipment, and expand programming, largely through the efforts of its 200 tireless volunteers.

KCUR Radio broadcasts original shows that have captured the hearts and minds of listeners nationwide.

The KCUR news department informs the Nation about our community through KCUR's charter membership as a National Public Radio station.

I am pleased to honor KCUR Radio on its 50th anniversary in October 2007.•

NATIONAL FRANCHISEE ASSOCIATION

• Mr. CHAMBLISS. Mr. President, throughout the course of our Nation's history, the prosperity of America and its citizens has invariably been linked with the success of its economy. Our country should be proud of its entrepreneurs, who are key components of that success.

I would like to recognize and thank the National Franchisee Association for providing the support and resources necessary to maintain its membership which consists of Burger King franchisees. The NFA was founded with a mission: ''To improve, preserve, and ensure the economic well-being of all members.'' For nearly 20 years the NFA has delivered this promise by expanding its services and adapting to the ever-changing economic and technological landscape. Today, the NFA's membership is comprised of approximately 1,200 franchisees from across the country, representing every district in every State.

NFA members employ thousands of citizens and provide individuals, especially our Nation's youth, with an opportunity to learn traditional American values, including hard work, cooperation, and responsibility.

On October 10 and 11, the members of the National Franchisee Association will arrive in Washington, DC, to engage and educate this Congress. I therefore encourage my colleagues to welcome the NFA's membership to our Nation's capital and to thank them for their continuous positive contribution to the fabric of our society.•

HONORING THE 100TH BIRTHDAY OF CLOVIS

• Mr. DOMENICI. Mr. President, today I wish to recognize the community of Clovis, NM, on its 100th birthday. Since the first train depot was built in this area a century ago, Clovis has continued to grow and expand its economy.

Clovis has seen its share of turmoil and adversity throughout the past 100 years, and yet it has maintained its sense of community and is now seeing consistent growth. The growth has been so remarkable that the city has been dubbed the ''City on the Move.'' The land, flat and fertile, has been an asset for farmers, cattle growers and dairymen all across the area. And most recently, the largest cheese producing factory in North America was built here. Clovis is home to Cannon Air Force Base, which was recently put on the BRAC list for closure. But the town fought back, and now Cannon is not only staying open, but they have received a new mission as an Air Force Special Operations Base which is slated to expand the base even further.

In honor of this centennial birthday, Clovis planned many events. Some of the events included the unearthing of a time capsule, a parade, cook-off, photo exhibit of Clovis over the last 100 years, and the year will culminate with an Anniversary Celebration Banquet this Saturday night.

Clovis is such a special place and I am honored to see this community continue to succeed. It is with great pleasure that I recognize this unique town here today on the Senate floor.•

TRIBUTE TO LYNNE M. ROSS

• Mr. LIEBERMAN. Mr. President, before I was elected by the people of Connecticut to serve in the Senate, I was privileged to serve as their attorney general for 6 years. During my tenure as AG, I was assisted not only by my top rate staff but by an organization that proved invaluable toward my efforts to protect public health and safety, the National Association of Attorneys General.

The National Association of Attorneys General, NAAG, has been assisting the chief legal officers of all 50 States, the District of Columbia, and other jurisdictions since 1907. In the last 30 years, the scope of NAAG's operations has increased dramatically with the opening of its Washington, DC, office, which has been a tremendous resource to State attorneys general seeking to coordinate with each other and with the Federal Government. One person who was particularly instrumental in expanding the association's Washington operations is Lynne Ross, who retired in September after working in public service for over 30 years.

When NAAG first opened its Washington office in 1976, Ms. Ross was its first and at that time only full time employee. Given this, it is amazing the broad array of services this office offered. Serving as both deputy director and legislative director, Ms. Ross coordinated legislative activities on behalf of attorneys general across the country, including securing $25 million dollars in Federal aid to help States develop/enhance their antitrust capacity. In addition, she worked together with State and environmental groups in passing the Federal Facilities Compliance Act, which requires Federal facilities to follow the same State, local, and Federal environmental regulations that govern private industry. This act has greatly expanded the ability of attorneys general to clean up the environment.

Ms. Ross also worked as a liaison between State attorneys general and the White House and executive agencies such as the Environmental Protection Agency and the Federal Trade Commission, with which many AGs have extensive, yet sometimes frayed, relations. Ms. Ross was known for her ability to help AGs and their staff clear through the bureaucratic brush and find who they need to talk to. She undertook efforts to help attorneys generals better perform their jobs by preparing regular NAAG meetings which fostered interaction between AGs and the various Federal agencies, by producing various NAAG publications which both informed AG offices of various legal developments, and also provided advice on how best to fulfill their roles and responsibilities as the chief public law enforcement officer for the State.

The work done by Ms. Ross and NAAG proved to be so immensely valuable to State attorneys general that by 1997, when Ms. Ross returned to the NAAG after serving 4 years at EPA, its Washington office had grown to employ almost 50 people to accommodate for the increased demand for services. This speaks volumes about Ms. Ross's talents and work ethic.

Upon returning to NAAG, Ms. Ross served again as deputy director, managing the day-to-day operations of the association. In 2002, she became executive director, in which she put her experience and wisdom to work developing programs and initiatives in an array of substantive areas including criminal law, consumer protection, cybercrime, and more.

Throughout the years Lynne was at NAAG she was also instrumental in the

creation and support of an auxiliary organization of former attorneys general called the Society of Attorneys General Emeritus, SAGE. SAGE members could always rely on Lynne's prompt and responsive counsel and advice.

Mr. President, what I have provided today is just a mere sampling of Lynne Ross's professional accomplishments. One could easily fill up a large book with the things she has done and yet still not do her career justice. Perhaps it best to simply say: Thank you, Lynne Ross, for helping to make NAAG the organization it is today. All our country's attorneys general and the people they serve are better off because of you.●

MESSAGE FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building''.

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Lawrence C. And Grace M. Jones Post Office Building''.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office''.

The message also announced that the House has passed the following bills, without amendment:

S. 474: An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States ground combat military unit in Operation Iraqi Freedom.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4,2007, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly to fill the existing vacancy thereon: Mr. MILLER of Florida.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors; to the Committee on Armed Services.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 185. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3468. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Precision Measurement Equipment Laboratory functions at Kirtland Air Force Base; to the Committee on Armed Services.

EC–3469. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Environmental function at Robins Air Force Base; to the Committee on Armed Services.

EC–3470. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a single function standard competition of the Test Tract Instrument functions at Holloman Air Force Base; to the Committee on Armed Services.

EC–3471. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function standard competition of the Transportation and Supply functions at Hanscom Air Force Base; to the Committee on Armed Services.

EC–3472. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of materials supporting the construction of a mobile offshore oil rig in Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–3473. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade'' ((RIN1625–AA28)(Docket No. USCG–2005–20258)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3474. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Transportation Worker Identification Credential Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License'' (RIN1652–AA41) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3475. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations, Amendments'' ((RIN1652–AA36) (USCG–2001–10881)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3476. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Winnetka Fireworks, Lake Michigan, Winnetka, IL'' ((RIN1652–AA00) (CGD09–06–116)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3477. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 3 regulations beginning with CGD05–07–080)'' (RIN1652–AA87) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3478. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Spa Creek and Severn River, Annapolis, MD'' ((RIN1652–AA08) (CG05–07–063)) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3479. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 2 regulations beginning with COTP San Juan 05–007)'' (RIN1652–AA87) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3480. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 10 regulations beginning with COTP Miami 07–065)'' (RIN1625–AA00) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3481. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (Docket No. PA–149–FOR) received on September 28, 2007; to the

Committee on Energy and Natural Resources.

EC–3482. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Ceanothus ophiochilus and Fremontodendron mexicanum'' (RIN1018–AU77) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3483. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Nonessential Experimental Population Status for 15 Freshwater Mussels, 1 Freshwater Snail, and 5 Fishes in the Lower French Broad River and in the Lower Holston River, TN'' (RIN1018–AU01) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3484. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3485. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations'' (RIN1018–AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC–3486. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a biennial report entitled, ''The Impact of the Caribbean Basin Economic Recovery Act''; to the Committee on Finance.

EC–3487. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mining Industry Overview Guide'' (Docket No. LMSB–04–0407–033) received on September 17, 2007; to the Committee on Finance.

EC–3488. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act in the Department of the Army, case number 06–09; to the Committee on Appropriations.

EC–3489. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Board; to the Committee on Appropriations.

EC–3490. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from Kazakhstan; to the Committee on Foreign Relations.

EC–3491. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the co-development of the Galaxy Express space launch vehicle upgrade program for Japan; to the Committee on Foreign Relations.

EC–3492. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from the Pacific Ocean utilizing a modified oil platform; to the Committee on Foreign Relations.

EC–3493. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–192—2007–200); to the Committee on Foreign Relations.

EC–3494. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Board of the International Fund for Ireland; to the Committee on Foreign Relations.

EC–3495. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to support the manufacture of the Korean Commander's Panoramic Sight; to the Committee on Foreign Relations.

EC–3496. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles, technical data, and defense services to Japan in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC–3497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 3B for Fiscal Year 2005 Through 2007, as of March 31, 2007''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. GREGG):

S. 2126. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

By Mrs. MURRAY:

S. 2127. A bill to provide assistance to families of miners involved in mining accidents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. MCCONNELL, and Mr. LOTT):

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Res. 341. A resolution concerning the recent forest fires in Greece; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. LAUTENBERG, Ms. STABENOW, Mr. OBAMA, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. LUGAR, Mrs. BOXER, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. VOINOVICH, Mrs. DOLE, and Mr. CRAPO):

S. Res. 342. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation; considered and agreed to.

By Mr. BIDEN (for himself, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. DURBIN, Mr. SANDERS, Mr. CASEY, Mr. LAUTENBERG, Mr. BAYH, Mrs. BOXER, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON, Mr. COLEMAN, and Mr. VOINOVICH):

S. Res. 343. A resolution designating October 19, 2007, as ''National Mammography Day''; considered and agreed to.

By Mr. JOHNSON (for himself, Mr. LOTT, Mr. CHAMBLISS, Mr. BROWN, Mr. COBURN, and Mr. INHOFE):

S. Con. Res. 48. A concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 327

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 327, a bill to authorize the

Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

S. 617

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 980

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1150

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1895

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1905

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1905, a bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1990

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1990, a bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 339

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 339, a resolution expressing the sense of the Senate on the situation in Burma.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to introduce the Preparing America's Seniors for the Digital Television Transition Act of 2007. Seniors are particularly vulnerable to slipping through the cracks of the digital television transition. Not only are they more likely to rely on free over-the-air analog TV, but for many seniors television is their only link to the outside world. Yet the majority of the public remains unaware of the impending digital television transition. Millions of Americans may turn on their TVs on February 18, 2009, only to find themselves left in the dark without access to critical weather updates, emergency alerts, news or entertainment programming. In my home state of Wisconsin alone, over half a million households rely on free over-the-air TV.

As Chairman of the Special Committee on Aging, I recently held a hearing entitled, ''Preparing for the Digital Television Transition: Will Seniors Be Left in the Dark?'' Our hearing uncovered several concerns. First, seniors need targeted outreach about the transition and the related coupon program. Second, there is shockingly little coordination between the Government agencies overseeing the transition and the voluntary industry efforts to educate consumers. Third, nonprofit organizations require additional resources to sufficiently assist seniors with navigating the transition. Finally, the Government's plan to provide coupons to partially offset the cost of a converter box is fraught with confusion and vulnerable to fraud and abuse.

My legislation will address these problems by creating a formalized partnership between the Federal Communications Commission, the National Telecommunications and Information Administration and the Administration on Aging with specific reporting requirements. Together these entities will work with stakeholders such as the broadcasters, the aging network, disability groups, rural Americans, and State, local and tribal governments to craft a coordinated outreach campaign. This legislation will also establish a grant program to ensure that nonprofits and state and local government agencies, like area agencies on aging, have access to assistance as they help seniors and other vulnerable populations navigate the transition and the coupon program.

This legislation will help safeguard seniors and their families by facilitating a number of common sense solutions. The bill requires commercial broadcasters to air public service announcements and develop consumer education plans to meet the needs of local viewers. It requires that coupon-eligible converter boxes are easily identifiable to mitigate the potential of consumers being swayed into purchasing expensive equipment they do not need. It also requires that manufacturers of converter boxes maintain a toll-free 1–800 number to assist individuals with installation. It sets specific reporting requirements for the FCC and NTIA to monitor the progress of their consumer awareness campaign and the coupon program. The legislation also modifies the coupon program to ensure that households relying solely on over-the-air television sets are prioritized and that residents of nursing homes and assisted living facilities are eligible to participate.

I want to thank the following organizations for endorsing this legislation: AARP, the Association for Public Television Stations, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, American Association of Homes and Services for the Aging, the Meals on Wheels Association of America, and the National Association of Nutrition and Aging Services Programs.

Senior citizens deserve to receive targeted outreach and complete information about the upcoming transition. They do not deserve to be the brunt of fraudulent schemes or to be left in the dark after February 17, 2009. I believe we must prepare America's seniors, and I hope my colleagues will join in my effort to do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2125

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preparing America's Seniors for the Digital Television Transition of Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. DTV educational partnership to benefit older individuals.
Sec. 4. Provisions relating to forfeitures.
Sec. 5. Digital television transition public education outreach and installation assistance grants program.
Sec. 6. Modification of the digital-to-analog converter box program.
Sec. 7. Reporting requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) on February 17, 2009, television stations will cease broadcasting analog signals and traditional analog televisions will stop working unless they are connected to a digital-to-analog converter box, cable, or satellite;

(2) a study conducted by the National Association of Broadcasters revealed that over half of the respondents had ''seen, read, or heard nothing'' about the transition to digital television, and only 10 percent were able to guess that the transition would occur in 2009;

(3) according to a July 2007 study released by the Association of Public Television Stations, older individuals—

(A) over the age of 65 are more likely to be found in over-the-air households and are, therefore, a much more vulnerable group with respect to maintaining television service as the digital transition is completed;

(B) as a group, are less likely to have purchased a new television in the past 3 years, are less likely to have HDTV capabilities in their households, and are less likely to own a digital television;

(C) will not have the same exposure to digital television transition messages from electronic retailers as will younger members of the population; and

(D) will need special focus in efforts to educate the public with respect to the transition from analog to digital television;

(4) according to a Nielsen Media Research report, approximately 20,000,000 households rely exclusively on analog or free over-the-air broadcasts;

(5) of these 20,000,000 households, approximately 8,000,000 include at least 1 person over the age of 50, according to the Nielsen Media Research TV Household Estimates;

(6) according to the General Accountability Office, about 48 percent of over-the-air households have incomes under $30,000;

(7) frail, homebound, rural, minority, disabled, limited English proficient, and low-income older individuals will need specific guidance and assistance in order to purchase and properly install a digital-to-analog converter box;

(8) without a targeted outreach program residents in nursing homes and assisted living facilities represent a segment of the population at risk for losing television service as a result of the digital transition;

(9) failure to seamlessly transition from analog to digital television will restrict or eliminate the access of older individuals to essential preparedness and safety information in the event of an emergency or disaster, as such individuals will be unable to receive national and local alerts aired over television;

(10) it is now 6 years after the communication failures of September 11, 2001, which spurred Federal Government adoption of a firm digital television transition date;

(11) unfortunately the Department of Commerce and the Federal Communications Commission have not adequately assured Congress that vulnerable households will be properly educated and prepared for such transition; and

(12) older individuals, their families, caregivers, and aging support networks will need targeted outreach to inform them of steps to take in order to ensure uninterrupted television service and to help mitigate potential

digital television transition scams that may target the elderly.

SEC. 3. DTV EDUCATIONAL PARTNERSHIP TO BENEFIT OLDER INDIVIDUALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 342. FEDERAL INTERAGENCY TASKFORCE TO EDUCATE OLDER INDIVIDUALS ON THE DTV TRANSITION OF 2009.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Chairman and Commissioners of the Federal Communications Commission shall enter into a partnership with the Administration on Aging and the National Telecommunications and Information Administration, to create a comprehensive public education campaign that provides information and assistance to older individuals, their families, caregivers, and aging support networks about measures that may be taken—

''(A) to ensure that such older individuals receive uninterrupted television service during the transition from analog to digital television that is to occur on February 17, 2009; and

''(B) to mitigate the likelihood of success of fraudulent schemes relating to such transition that may target such older individuals.

''(2) ACCESS TO RESOURCES.—In carrying out the educational campaign required under paragraph (1), the federal interagency taskforce established under such paragraph shall utilize existing resources and efforts of the Federal, State, and local governments, industry, and other appropriate entities.

''(3) TIMING.—The educational campaign required under paragraph (1) shall commence not later than January 1, 2008 or 60 days after the date of enactment of this section.

''(b) ADVISORY BOARD.—

''(1) IN GENERAL.—The Commission, the Administration on Aging, and the National Telecommunications and Information Administration shall establish an advisory board to recommend to the federal interagency task force established under subsection (a) the type, manner, and content of the information to be used as part of the educational campaign required under such subsection.

''(2) MEMBERSHIP.—The advisory board established under paragraph (1) shall consist of 2 designees each from the Commission, the Administration on Aging, and the National Telecommunications and Information Administration and no more than 30 additional members, which shall include—

''(A) representatives from the aging network, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), such as the National Association of Area Agencies on Aging, Meals on Wheels Association of America, and National Association of State Units on Aging;

''(B) representatives from the entity or entities that the Assistant Secretary for Communications and Information selects or assigns to administer the digital-to-analog converter box program required under section 3005(c)(2)(A) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23);

''(C) representatives from the associations of industry and related stakeholder groups to include—

''(i) commercial and noncommercial broadcasters;

''(ii) manufacturers and retailers of consumer electronics equipment;

''(iii) cable operators; and

''(iv) satellite providers;

''(D) State, local, and tribal governments, such as the National Association of Telecommunications Officers and Advisors and the National Governors Association;

''(E) members from the general public who have expertise in consumer education and outreach;

''(F) older individuals;

''(G) representatives from—

''(i) minority groups, including Hispanic Americans;

''(ii) Americans whose primary language is not English;

''(iii) tribal groups;

''(iv) Americans with disabilities;

''(v) Americans living in rural communities;

''(vi) nursing homes and assisted living facilities; and

''(vii) consumer protection groups; and

''(H) representatives from low-income assistance program providers.

''(3) APPOINTMENT.—Not later than 30 days after the date of enactment of this section, the Commission, the Administration on Aging, and the National Telecommunications and Information Administration shall appoint each member of the advisory board.

''(4) CHAIRMAN.—The members of the Advisory Board shall elect 1 member to serve as Chairman within 30 days after the date of enactment of this section, in order to facilitate rapid creation and implementation of the Advisory Board.

''(c) DUTIES.—

''(1) IN GENERAL.—The Federal interagency taskforce established under subsection (a) shall carry out a nationwide program with the assistance of the advisory board established under subsection (b) that includes, at a minimum—

''(A) an easily comprehensible explanation of the digital television transition, including—

''(i) the effective date of such transition; and

''(ii) who is affected by such transition;

''(B) the public safety and emergency preparedness concerns the transition will address, such as the Digital Emergency Alert System and reverse 911, and the potential public safety hazards to older individuals of not successfully transitioning to digital television;

''(C) instructions to determine whether a television will receive a digital signal and, if not, the options to ensure reception of a digital signal and the related costs;

''(D) information related to the digital-to-analog converter box coupon program, eligible versus noneligible converter boxes, certified retailers, and important associated deadlines; and

''(E) tips on how to avoid potential fraudulent schemes related to the digital television transition that may target older individuals.

''(2) ADDITIONAL DUTIES.—The Federal interagency taskforce established under subsection (a) shall—

''(A) examine ways to simplify the purchasing and installing of a digital-to-analog converter box for older individuals and take into consideration the unique needs of frail, homebound, minority, disabled, limited English proficient, rural, and low-income older individuals, as well as residents of nursing homes and assisted living facilities;

''(B) consult with and seek assistance from the Commission's Homeland Security and Public Safety Bureau;

''(C) establish specific and realistic benchmarks for identifying the estimated reach of the public education campaign required under this section to older individuals, their families, caregivers, and aging support networks;

''(D) coordinate with stakeholder to properly implement the comprehensive education campaign;

''(E) provide, at no cost, to non profit entities such as entities within the aging network consumer education materials and technical assistance regarding the transition from analog to digital television that is to occur on February 17, 2009; and

''(F) specifically analyze the impact of the transition from analog to digital television on the residents of non profit nursing homes and assisted living facilities.

''(d) REPORT.—

''(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this section, the Commissioner, the Assistant Secretary for Aging, and the Assistant Secretary for Communications and Information shall submit a report to Congress on—

''(A) the ability of the Federal interagency taskforce to meet the requirements and duties described under subsection (c); and

''(B) that summarizes each agency's efforts to increase consumer education and awareness about the transition from analog to digital television among older individuals, as well as that agency's efforts to coordinate with the other Federal and non-Federal members of the taskforce and the advisory board.

''(2) CONTENT OF REPORT.—The report required under paragraph (1) shall, at a minimum, also include the following:

''(A) How the Federal interagency taskforce will meet the specific benchmarks established under subsection (c)(2)(C) to ensure that older individuals who rely on over-the-air broadcasting are not left without television service after February 17, 2009.

''(B) How the Federal interagency taskforce will address the unique needs of frail, homebound, disabled, minority, rural, limited English proficiency and low-income older individuals, as well as residents of nursing homes and assisted living facilities, all of whom will need specific guidance and assistance in order to purchase and install a digital-to-analog converter box through the National Telecommunications and Information Administration's Digital-to-Analog Converter Box Coupon Program without any undue burden.

''(C) How the Federal interagency taskforce will provide guidance and technical assistance to the families, caregivers, and aging support networks of these vulnerable older individuals.

''(D) How the Federal interagency taskforce will mitigate potential scams that may target the elderly throughout the course of the National Telecommunications and Information Administration's Digital-to-Analog Converter Box Coupon Program.

''(E) How the Federal interagency taskforce will coordinate between State, local, and tribal governments and the head of each Federal agency overseeing a low-income assistance program, such as the Supplemental Security Income Program, the Low Income Home Energy Assistance Program, the Lifeline Assistance, and Link Up America programs, to ensure that such programs disseminate information about the transition from analog to digital television to their program recipients.

''(F) What resources will be necessary to provide outreach and assistance at the community level and how the taskforce will prioritize such resources.

''(3) FINAL REPORT.—Not later than 3 months before February 17, 2009, the Commissioner, Assistant Secretary for Aging, and the Assistant Secretary for Communications and Information shall submit a report to Congress that describes—

''(A) the level of outreach and success achieved by the education campaign required under subsection (a); and

''(B) the necessary remaining steps that must be taken in order to ensure that older

individuals who rely on over-the-air broadcasting are not left without television service after February 17, 2009.

''(e) DEFINITION OF OLDER INDIVIDUAL.—For purposes of this section, the term 'older individual' means an individual who is 50 years of age or older.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal interagency taskforce established under subsection (a) such sums as are necessary to carry out the provisions of this section in addition to—

''(1) amounts transferred pursuant to section 344(c)(5) of this Act; and

''(2) amounts transferred pursuant to section 503(b)(7) of this Act.

''(g) Return of unexpended funds.—Upon termination of the federal interagency taskforce, any unexpended funds shall be paid back to the original source of such funds, including to the general accounts of the Federal Communications Commission held at the Treasury for any amounts deposited in the fund pursuant to paragraphs (1) or (2) of subsection (f).

''SEC. 343. ADDITIONAL REQUIREMENTS RELATED TO THE DTV TRANSITION.

''(a) REQUIREMENTS ON BROADCASTERS.—

''(1) PSAS.—Beginning on the date of enactment of this section and ending on March 31, 2009, the Commission shall require each full power commercial television broadcast licensee or permittee to broadcast during each day between the hours of 6 a.m. and 11 p.m., public service announcements notifying the public, in particular older individuals and their families, caregivers, and aging support networks, of the transition from analog to digital television that is to occur after February 17, 2009.

''(2) TIME REQUIREMENTS AND TOTAL RUNNING TIME.—Based on the overall concentration of over-the-air households by State and locality, broadcasters shall air a minimum of 60 seconds of public service announcements per day at variable time slots throughout the week, with half airing between 5 p.m. and 11 p.m.

''(3) REQUIRED CONTENT.—Any public service announcement broadcast after January 1, 2008, shall include—

''(A) information concerning the digital-to-analog converter box program required under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23);

''(B) such additional consumer information as the Federal interagency taskforce may recommend based on input from the advisory committee established under section 342; and

''(C) such additional information as local broadcasters may determine necessary to appropriately educate their viewers about the transition from analog to digital television.

''(4) CONSUMER EDUCATION PLANS.—

''(A) IN GENERAL.—Not later than January 1, 2008, or 30 days after the date of enactment of this Act if this Act is enacted after such date, each full power commercial television broadcast licensee or permittee shall have in place a comprehensive consumer education plan to inform local viewers about the impending the transition from analog to digital television based on the overall concentration of over-the-air households by State and locality.

''(B) PROGRAMS.—Programs carried out under the plan required by subparagraph (A) may include educational programming, donut spots, crawls, and speaking events.

''(5) PERIODIC REPORTS TO THE FCC.—

''(A) COMMERCIAL BROADCASTERS.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter until March 31, 2009, each commercial television broadcast licensee or permittee shall submit a report to the Commission detailing their efforts to comply with the requirements of this subsection.

''(B) NON COMMERCIAL BROADCASTERS.—Not later than June 18, 2008 the Corporation for Public Broadcasting, as defined in section 397(2) shall submit a report to the Commission on behalf of television public broadcast stations—

''(i) detailing the activities of the public television industry in educating the public about the digital transition; and

''(ii) including information relating to—

''(I) airtime allocated towards consumer education; and

''(II) other outreach efforts.

''(C) PUBLIC AVAILABILITY.—The Commission shall make any report required under subparagraph (A) or (B) available to the public on the Internet, without fee or other access charge, in a searchable and downloadable manner.

''(b) REQUIREMENTS ON MVPD.—

''(1) IN GENERAL.—Not later than January 1, 2008, or 30 days after the date of enactment of this Act if this Act is enacted after such date, each multichannel video programming distributor (as defined in section 602) shall develop a plan to notify subscribers about the transition from analog to digital television that is to occur on February 17, 2009.

''(2) REQUIREMENTS OF PLAN.—The plan required under paragraph (1) shall explain—

''(A) what the digital transition is;

''(B) how the transition will affect subscribers of the multichannel video programming distributor; and

''(C) such additional information as multichannel video programming distributors may determine necessary to appropriately educate their viewers about the transition from analog to digital television.

''(c) REQUIREMENTS FOR ELECTRONICS RETAILERS AND DISTRIBUTORS OF CONVERTER BOXES.—

''(1) REQUIREMENTS FOR MANUFACTURERS OF CONVERTER BOXES.—The manufacturer of any digital-to-analog converter box that is eligible to be obtained using a redeemable Federal coupon and that is manufactured in the United States or shipped in interstate commerce shall—

''(A) place an appropriate label on the retail packaging of the converter box; and

''(B) maintain a toll-free 1-800 number that customers can call to obtain installation assistance.

''(2) LABEL REQUIREMENT.—For purposes of paragraph (1), an appropriate label is a label that meets the following requirements:

''(A) The label is displayed—

''(i) in a clear and conspicuous manner; and

''(ii) in large and visible font.

''(B) The label informs the consumer that the converter box is fully compliant with all Federal standards relating to the eligibility of that converter box to be used with the Federal coupon program described under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23). The information required to be included on a label under this subparagraph may be conveyed by affixing the following phrase to the label: 'NTIA Coupon-Eligible'.

''(3) REQUIREMENTS FOR IN-STORE RETAILERS.—Each in-store retailer shall place adjacent to digital-to-analog converter boxes that such retailer displays for sale or rent, a separate sign that identifies which converter boxes are 'NTIA Coupon-Eligible'.

''(4) REQUIREMENTS FOR OTHER RETAILERS.—Any retailer of digital-to-analog converter boxes that sells such converter boxes via direct mail, catalog, or electronic means, shall ensure that all advertisements or descriptions of such converter box identifies whether or not such converter box is 'NTIA Coupon-Eligible'.

''(5) PENALTIES.—

''(A) IN GENERAL.—The forfeiture penalties established by section 503(b) shall apply to a violation of any requirement under this section.

''(B) TRANSFER TO FEDERAL INTERAGENCY TASKFORCE.—The amount of any forfeiture penalty determined, imposed, or otherwise assessed by the Commission for violations of this section shall be transferred to the accounts of the Federal interagency taskforce established pursuant to section 342.

''(d) REPORT OF CERTIFIED RETAILERS.—The National Telecommunications and Information Administration shall require—

''(1) each retailer certified by the Administration to participate in the digital-to-analog converter box coupon program under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23); and

''(2) not later than 30 days after certification, each such retailer to report to the Administration on their employee training or consumer information plans regarding the transition from analog to digital television that is to occur on February 17, 2009.

''(e) REPORT OF OTHER FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the head of each Federal agency that oversees a low-income assistance program, as determined by the Federal interagency taskforce, and including the Supplemental Security Income Program, the Low-Income Home Energy Assistance Program, shall report to the Commission on how such agency or program will work with the Federal interagency taskforce established under section 342 to ensure coordinated efforts are made to disseminate consumer education materials developed under such section on the transition from analog to digital television to eligible program participants.

''(2) REQUIRED CONTENT.—The report required under paragraph (1) should affirm each Federal agency's commitment to assist with the nationwide transition from analog to digital television.

''(f) DEFINITION OF OLDER INDIVIDUAL.—For purposes of this section, the term 'older individual' means an individual who is 50 years of age or older.''.

SEC. 4. PROVISIONS RELATING TO FORFEITURES.

(a) IN GENERAL.—Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended by adding at the end the following:

''(7) Beginning on the date of enactment of this paragraph and ending on February 17, 2009, the amount of any forfeiture penalty determined, imposed, or otherwise assessed by the Commission, and payable into the Treasury of the United States, for violations of the point of sale disclosure requirements for analog-only television equipment as described in the Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television (MB Docket No. 03–15; RM–9832; adopted April 25, 2007) during such period shall be transferred to the accounts of the Federal interagency taskforce established pursuant to section 342.''.

(b) FUTURE RULEMAKINGS RELATED TO DIGITAL TELEVISION TRANSITION.—The Federal Communications Commission shall in any future rulemaking related to the nationwide transition from analog to digital television that is to occur on February 17, 2009, ensure that any proposed forfeiture penalty for violation of such rule is transferred to the accounts of the Federal interagency taskforce established pursuant to section 343 of the Communications Act of 1934 (as added under section 3 of this Act).

SEC. 5. DIGITAL TELEVISION TRANSITION PUBLIC EDUCATION OUTREACH AND INSTALLATION ASSISTANCE GRANTS PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) GRANTS.—The Federal Communications Commission shall award grants, on a competitive basis, to eligible entities to—

(A) provide public education outreach about the digital television transition taking place on February 17, 2009 to vulnerable populations particularly at risk for losing television reception as a result of the digital television transition; and

(B) provide assistance with the purchasing and installation of digital-to-analog converter boxes to vulnerable populations particularly at risk for losing television reception as a result of the digital television transition.

(2) GRANT PERIODS.—The Commission shall award grants under this section for a period of up to 3 years.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission may require.

(2) ACTION.—The Commission shall take such action necessary to award grants not later than 90 days after the date of enactment of this section.

(c) PREFERENCE.—The Commission shall give priority in awarding grants under this section to an entity that—

(1) will provide public education outreach and installation assistance to older individuals and other vulnerable populations (with particular attention to individuals with disabilities, individuals with limited English proficiency, individuals residing in rural areas, minorities, and low-income communities);

(2) has demonstrated experience in providing outreach and assistance to older individuals and other vulnerable populations; and

(3) can demonstrate the ability and commitment to identifying, after February 17, 2009, the date of the transition, those households that may have lost television reception and can aid in reinstating television reception for such households.

(d) PARTNERSHIPS.—In awarding grants under this section, the Commission may encourage applicants to enter into a partnership with 1 or more private entities who may assist with training or providing donated technologies including digital televisions or digital-to-analog converter boxes.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity shall use funds made available under a grant awarded under this section to—

(A) carry out a project described in subsection (a); and

(B) evaluate the project in accordance with subsection (h).

(2) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this section shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government to provide the services described in subsection (a).

(f) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under subsection (a) shall be—

(1) a nonprofit organization, an area agency on aging or other local government agency, a State unit on aging or other State government agency, and a tribal government or organization (including a consortium thereof) that—

(A) has the ability to conduct the coordination, promotion, and facilitation described in subsection (a); and

(B) has experience providing outreach and assistance targeted at older individuals and other vulnerable populations (with particular attention to individuals with disabilities, individuals with limited English proficiency, individuals residing in rural areas, minorities, and low-income communities); or

(2) any other entity not described in paragraph (1) that—

(A) the Commission determines to be appropriate to carry out a project under subsection (a); and

(B) demonstrates experience conducting public education outreach campaigns and providing assistance targeted at older individuals and other vulnerable populations.

(g) COMPETITIVE GRANTS FOR TECHNICAL ASSISTANCE.—The Commission may make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to—

(1) provide technical assistance to recipients of grants under subsection (a); and

(2) carry out other duties, as determined by the Commission.

(h) LOCAL EVALUATION AND REPORT.—

(1) EVALUATION.—Each entity or consortium thereof receiving a grant under subsection (a) to carry out a project described in subsection (a) shall evaluate the outreach and assistance carried out under the project to determine—

(A) the effectiveness of the outreach and assistance involved; and

(B) the impact of such outreach and assistance on the community being served and the organization providing the outreach and assistance.

(2) REPORT.—The organization shall submit a report to the Commission containing the evaluation not later than 3 months after the expiration of the period for which the grant is in effect.

(i) ANNUAL REPORT TO CONGRESS.—Not later than 60 days after the close of fiscal year 2008 and fiscal year 2009, the Commission shall prepare and submit a full and complete report to Congress on the activities carried out under this section which shall—

(1) summarize the distribution of funds authorized for grants under this section and the expenditure of such funds;

(2) summarize the scope and content of the public education outreach campaigns and assistance carried out under this section; and

(3) make recommendations for legislative or administrative action, as the Commission determines appropriate.

(j) FINAL REPORT TO CONGRESS.—Not later than 60 days after the close of fiscal year 2010 the Commission shall prepare and submit a full and complete report to Congress on the activities carried out under this section which shall—

(1) summarize the distribution of funds authorized for grants under this section and the expenditure of such funds;

(2) summarize the scope and content of the public education outreach campaigns and assistance carried out under this section;

(3) summarize findings from the reports containing the evaluations from subsection (h)(2); and

(4) make recommendations for legislative or administrative action, as the Commission determines appropriate.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for fiscal years 2008, 2009, and 2010.

SEC. 6. MODIFICATION OF THE DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

Section 3005(c) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) APPLICATIONS.—

''(A) PROCUREMENT OF COUPONS.—

''(i) SUBMISSION OF APPLICATION.—Not later than December 31, 2007, the Assistant Secretary shall by regulation develop and produce a standard application that each household shall submit to the Assistant Secretary between January 1, 2008, and March 31, 2009, inclusive, in order to obtain a coupon that can be applied toward the purchase of a digital-to-analog converter box.

''(ii) REQUIREMENT FOR APPLICATIONS.—The application developed under clause (i) shall—

''(I) be uniform in style and form regardless of the medium through which it is available, including for printed applications, application available by e-mail, or available on the website of the Assistant Secretary or of the Federal Communications Commission;

''(II) require each household to submit—

''(aa) the name, address, phone number, and e-mail address of the applicant;

''(bb) the number of coupons that the household seeks to obtain;

''(cc) a certification of whether the household receives—

''(AA) only over-the-air broadcast programming; or

''(BB) cable or satellite service and over-the-air broadcast programming;

''(III) inform households about—

''(aa) the transition from analog to digital television, including information on the—

''(AA) digital-to-analog converter box coupon program; and

''(BB) important associated deadlines; and

''(bb) the various options and alternatives that households may utilize to ensure reception of a digital signal, including that if the household—

''(AA) has an analog television set and receives only over-the-air broadcast programming that a digital-to-analog converter box is required;

''(BB) has a digital television set and receives only over-the-air broadcast programming that a digital-to-analog converter box is not required; and

''(CC) has either an analog or digital television set and receives cable or satellite service that a digital-to-analog converter box is not required.

''(iii) SHIPPING OF COUPONS.—The Assistant Secretary shall ensure that each household that submits an application for a coupon under this subparagraph receives such coupon via the United States Postal Service.

''(iv) DURATION OF COUPONS.—All coupons shall expire 4 months after issuance.

''(v) RULE OF CONSTRUCTION.—For purposes of this paragraph, the term 'household' shall include residents of nursing homes and assisted living facilities.'';

(2) by amending paragraph (2) to read as follows:

''(2) DISTRIBUTION OF COUPONS.—

''(A) PRIORITY CONSIDERATION FOR OTA HOUSEHOLDS.—

''(i) IN GENERAL.—The Assistant Secretary shall for the period beginning January 1, 2008, and ending March 31, 2009, distribute coupons only to households that have certified on their coupon application submitted under paragraph (1) that such household receives only over-the-air broadcast programming.

''(ii) CAP ON COUPONS.—The total maximum value of all the coupons distributed under clause (i) shall not exceed $990,000,000.

''(B) OTHER HOUSEHOLDS.—

''(i) IN GENERAL.—The Assistant Secretary shall for the period beginning July 1, 2008, or the period beginning on the date that the total maximum value established under subparagraph (A)(ii) is reached, whichever is earlier, and ending March 31, 2009, distribute

coupons to any household that has submitted a coupon application under paragraph (1).

''(ii) CAP ON COUPONS.—The total maximum value of all the coupons distributed under clause (i) shall not exceed $510,000,000.

''(C) LIMITATION.—The Assistant Secretary shall ensure that—

''(i) no household that receives only over-the-air broadcast programming receives more than 2 coupons; and

''(ii) no other household receives more than 1 coupon.

''(D) REQUIRED DISCLOSURES.—The Assistant Secretary shall include along with any coupon distributed pursuant to this subsection a list of—

''(i) certified retailers of digital-to-analog converter boxes by zip code and area code, including each retailer's phone number and address;

''(ii) at least 2 national certified retailers or mail order companies and the 1-800 numbers of such retailers or companies so that households may order digital-to-analog converter boxes over the phone; and

''(iii) digital-to-analog converter boxes that are eligible to be purchased with a coupon.

''(E) PROHIBITION ON RESALE OF COUPONS.—No person, including any retailer or manufacturer, may sell or offer to sell a coupon distributed under this section for any monetary amount.''.

SEC. 7. REPORTING REQUIREMENTS.

(a) REPORT BY THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until March 31, 2009, the National Telecommunications and Information Administration shall report to Congress on the following:

(1) CONSUMER EDUCATION EFFORTS.—The effectiveness of its outreach efforts to inform the public about the transition from analog to digital television, including a summary of any materials distributed, surveys and focus groups conducted, and any other efforts targeted at high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities. The ongoing efforts and coordination of the Administration with industry groups (such as broadcasters, retailers, and manufacturers), other Federal agencies, nonprofit organizations, and community-based organizations.

(2) CONVERTER BOX MANUFACTURING.—With respect to the digital-to-analog converter box program required under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23):

(A) The participation level of manufacturers in such program.

(B) The number of digital-to-analog converter box models manufactured pursuant to such program.

(C) The number of digital-to-analog converter boxes shipped in the prior 90 days.

(D) The performance testing results of each digital-to-analog converter box model manufactured pursuant to such program.

(E) The number of digital-to-analog converter boxes in the marketplace that are—

(i) compliant with the requirements under such program; and

(ii) noncompliant with the requirements under such program.

(3) CONVERTER BOX RETAILING.—With respect to retailers:

(A) The compliance rates of retailers with the labeling requirements under section 344(c) of the Communications Act of 1934.

(B) The supply levels of retailers of digital-to-analog converter boxes, such levels shall be categorized on a—

(i) State by State level; and

(ii) regional level.

(C) The price charged by such retailers for digital-to-analog converter boxes, and the sales efforts of such retailers with respect to such boxes.

(D) The efforts of retailers on training and educating their sales force regarding the transition from analog to digital television.

(4) COUPON ADMINISTRATION.—With respect to the digital-to-analog converter box coupon program established under section 3005(c) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 23):

(A) The number of coupons issued, categorized nationally, by State, and by 5 digit zip code.

(B) The number of coupons redeemed by households, categorized nationally, by State, and by 5 digit zip code.

(C) The efforts of the Administration and the Assistant Secretary of Communications and Information to inform retailers about the coupon program and the process needed to redeem coupons, categorized by 5 digit zip code.

(D) The number of households that have an analog television set and receive only over-the-air broadcast programming and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(E) The number of households that have a digital television set and receive only over-the-air broadcast programming and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(F) The number of households that have either an analog or digital television set and receive cable or satellite service and that have submitted an application for a coupon, categorized nationally, by State, and by 5 digit zip code.

(G) The efforts of the Administration to utilize the household demographics collected under subparagraphs (D), (E), and (F) to determine an appropriate strategy for the distribution of print applications for coupons, such as distribution at post-offices, departments of motor vehicles, and community centers.

(H) The average time of redemption of a coupon, measured from the date of issuance of the coupon to a household to the date of redemption of that coupon at a certified retailer of digital-to-analog converter boxes.

(I) The top 10 retailers, by volume, where coupons are redeemed.

(J) The results of quarterly surveys conducted between January 1, 2008 and March 31, 2009, on consumer satisfaction with the coupon program, including results related to ease of redemption, availability of digital-to-analog converter box, and the certified retailer's knowledge of the impending transition from analog to digital television.

(b) REPORT BY THE FCC.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until March 31, 2009, the Federal Communications Commission shall report to Congress on—

(1) the effectiveness of its outreach efforts to inform the public about the transition from analog to digital television, including a summary of any materials distributed, surveys and focus groups conducted, and any other efforts targeted at high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities;

(2) the ongoing efforts and coordination of the Commission with industry groups (such as broadcasters, retailers, and manufacturers), other Federal agencies, States, nonprofit organizations, and community-based organizations; and

(3) the ongoing efforts of the Commission to—

(A) prevent fraud and abuse with respect to the transition from analog to digital television;

(B) educate high-risk market segments, such as low-income individuals, the elderly, or individuals located in rural communities, on how to—

(i) avoid potential fraudulent schemes related to the digital television transition; and

(ii) identify occurrences of fraud;

(C) prosecute those individuals accused of participating in fraudulent schemes related to the digital television transition; and

(D) monitor the compliance of retailers and manufacturers with the labeling requirements under section 344(c) of the Communications Act of 1934.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Telecommunications and Information Administration and the Federal Communications Commission such sums as are necessary to carry out the provisions of this section.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. GREGG):

S. 2126. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce, along with my colleagues TIM JOHNSON of South Dakota and JUDD GREGG of New Hampshire, an important bill that will allow Americans to save more for the long term and will better prepare them for a secure retirement. The Generating Retirement Ownership Through Long-Term Holding, GROWTH Act, had substantial bipartisan support in the House last Congress, and has been introduced in a bipartisan manner again in the House this Congress. Mr. JOHNSON and I are proud to introduce in the Senate this bipartisan legislation that provides Americans a better tool to grow their long-term retirement savings.

The GROWTH Act would allow investors in mutual funds to keep more retirement savings invested longer and growing longer by deferring taxation of automatically reinvested capital gains until fund shares are sold, rather than allowing those long-term gains, which generate no current income or cash in hand, to be taxed every year.

To understand how beneficial this bill would be, it is important to understand the role of mutual funds in long-term retirement savings. Among households owning mutual funds, 92 percent are investing for retirement, with more than 70 percent saying their primary purpose in investing in funds is to prepare for retirement. Many of today's workers do not yet have in place the retirement savings supplement to Social Security that will prepare them for the future. In fact, almost half of American workers, nearly 75 million of 155 million workers—are not offered any form of pension or retirement savings plan at work.

Meanwhile, the number of years spent in retirement is growing and the

costs individuals can expect to bear in retirement are growing, too. The Employee Benefit Research Institute estimates that an individual retiring at age 65 in 2016 will need more than $300,000 just to cover health coverage premiums and expenses. Individual savings efforts also face significant obstacles. Those not covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year, $5,000 if they are age 50 or older.

Mutual funds are a hugely important part of American workers' preparation for retirement, both through their employers' retirement plans and on their own. Mutual funds now make up about half of the $4.1 trillion held by American workers through 401(k) plans and other similar job-based savings programs. About 38 million American investors hold mutual funds through their defined contribution plans. More than 31 million American investors are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans.

The GROWTH Act is also a good idea because it remedies an unfairness in the tax code that can make saving difficult for many Americans. Mutual fund investors who are struggling to save for retirement should not have to pay taxes on ''profits'' they have not realized. If they don't have money in hand, it makes no sense for them to have to pay taxes. The GROWTH Act would defer taxes until the mutual fund shares are sold and the investor has actual funds to pay the taxes.

The GROWTH Act would be a valuable contributor to retirement savings efforts. Mutual fund savers who automatically reinvest are doing what policymakers want to see. They are holding for the long term, contributing to national savings, and building up their own retirement nest egg. These Americans should be encouraged to save, not discouraged through a tax on automatic reinvestments. The GROWTH Act is a step that will show immediate results, a step that will help tens of millions of American savers and ''should-be savers'' over the course of their working lives, and a step that with time can make a real difference in the retirement readiness of American families.

I urge my colleagues to join Mr. JOHNSON and me in supporting the GROWTH Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2126

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 ''Generate Retirement Ownership Through Long-Term Holding Act of 2007''.

SEC. 2. DEFERRAL OF REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by inserting after section 1045 the following new section:

''SEC. 1046. REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

''(a) NONRECOGNITION OF GAIN.—In the case of an individual, no gain shall be recognized on the receipt of a capital gain dividend distributed by a regulated investment company to which part I of subchapter M applies if such capital gain dividend is automatically reinvested in additional shares of the company pursuant to a dividend reinvestment plan.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CAPITAL GAIN DIVIDEND.—The term 'capital gain dividend' has the meaning given to such term by section 852(b)(3)(C).

''(2) RECOGNITION OF DEFERRED CAPITAL GAIN DIVIDENDS.—

''(A) IN GENERAL.—Gain treated as unrecognized in accordance with subsection (a) shall be recognized in accordance with subparagraph (B)—

''(i) upon a subsequent sale or redemption by such individual of stock in the distributing company, or

''(ii) upon the death of the individual.

''(B) GAIN RECOGNITION.—

''(i) IN GENERAL.—Upon a sale or redemption described in subparagraph (A), the taxpayer shall recognize that portion of total gain treated as unrecognized in accordance with subsection (a) (and not previously recognized pursuant to this subparagraph) that is equivalent to the portion of the taxpayer's total shares in the distributing company that are sold or redeemed.

''(ii) DEATH OF INDIVIDUAL.—Except as provided by regulations, any portion of such total gain not recognized under clause (i) prior to the taxpayer's death shall be recognized upon the death of the taxpayer and included in the taxpayer's gross income for the taxable year ending on the date of the taxpayer's death.

''(3) HOLDING PERIOD.—

''(A) GENERAL RULE.—The taxpayer's holding period in shares acquired through reinvestment of a capital gain dividend to which subsection (a) applies shall be determined by treating the shareholder as having held such shares for one year and a day as of the date such shares are acquired.

''(B) SPECIAL RULE FOR DISTRIBUTIONS OF QUALIFIED 5-YEAR GAINS.—In the case of a distribution of a capital gain dividend (or portion thereof) in a taxable year beginning after December 31, 2010, and properly treated as qualified 5-year gain (within the meaning of section 1(h), as in effect after such date), subparagraph (A) shall apply by substituting '5 years and a day' for 'one year and a day'.

''(c) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—This section shall not apply to—

''(1) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, or

''(2) an estate or trust.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 852(b)(3)(B) of such Code is amended by adding at the end the following new sentence: ''For rules regarding nonrecognition of gain with respect to reinvested capital gain dividends received by individuals, see section 1046.''.

(2) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1045 the following new item:

''Sec. 1046. Reinvested capital gain dividends of regulated investment companies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. JOHNSON. Mr. President, I am pleased today to once again join my colleague MIKE CRAPO of Idaho in introducing a bill with growing bipartisan support, a bill that promises to be an important part of the many steps we will need to take to help Americans save more effectively for the many long-term needs they must increasingly plan for on their own—health, education and retirement.

Currently, mutual fund investors who are saving outside a 401(k) plan or an IRA find themselves taxed every year as a result of the buying and selling that is part of fund diversification, even if they have arranged to automatically reinvest any capital gains, even though they sold no shares, in fact, even if the value of their investments have fallen.

As a result, each year during tax season, we hear from investors who have worked hard and played by the rules. These are Americans who are committed to a plan of saving for the long term, who nevertheless find themselves hit with a tax bill although they are simply staying the course. Mr. CRAPO and I don't believe that these people should be discouraged from long-term investing and taxed I prematurely when a better-timed tax—one that comes in when investments are sold—would better facilitate long-term investing, retirement readiness, and perhaps even tax compliance through simpler calculations and fewer annual adjustments.

Congress has spent a great deal of effort trying to strengthen and promote pension promises, through both defined benefit and defined contribution plans. Yet many of today's workers do not yet have in place the retirement savings to supplement Social Security benefits. In fact, almost half of American workers—nearly 75 million of 155 million workers—are not offered any form of pension or retirement savings plan at work. These are the people who need GROWTH the most.

And the challenge they face for the future is growing. The number of years Americans and their families can expect to spend in retirement is growing, as are the costs individuals can expect to bear in retirement. Individual savings opportunities for those who spend some or all of their working years without participating or vesting in an employer's retirement plan are modest. Those workers covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year, $5,000 if they

are age 50 or older. Many will want and need to save more every year if they are to be ready for retirement. These are the people who need GROWTH.

How many are there? More than 31 million Americans are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans. The GROWTH Act would provide sensible tax treatment that would defer, not avoid, taxation. In the process, it would better enable retirement savers in what they are trying to do, plan for an uncertain road ahead.

A bigger tax debate is ahead, along with a bigger debate about the future of Social Security and the way to modernize and improve private sector retirement savings tools that must supplement it. The GROWTH Act is one of those practical building blocks that deserves to be part of future debates on tax and retirement policy. Its impact illustrates just how many millions of American households are out there right now, households of modest incomes, saving on their own, through mutual fund investments, making up that growing middle class, a middle class that is facing a lot of squeezes, a lot of growing demands on their savings, but a group that is trying to save nevertheless. About three in five fund investors have household incomes between $25,000 and $100,000. Not high-flyers looking to be creative, but working people who deserve to find a few less obstacles in their way.

I urge my colleagues to join Mr. CRAPO and me in supporting the GROWTH Act and refocusing their attention to just who these savers are and what kind of sensible tax policy they need.

Mrs. MURRAY:

S. 2127. A bill to provide assistance to families of miners involved in mining accidents; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today, I heard disturbing testimony during a Senate HELP Committee hearing on the Crandall Canyon Mine disaster about the misinformation that families received during the tragedy. When I met with many of the family members of the miners involved in the accident, I saw the enduring pain of their loss, and, although there is nothing I can do to take that pain away, I can work to ensure that if other families are ever faced with such tragedy in the future, they will be cared for with respect, dignity, and consistency.

I am proud to introduce the Mine Disaster Family Assistance Act of 2007, closely modeled after the National Transportation Safety Board's highly effective family assistance model used during major aviation accidents in this country to care for victims and their families.

This bill puts families who experience such a tragedy first by establishing a director of family support services at MSHA. This person would serve as the Federal Government's point-of-contact for families during an emergency. The director would be responsible for the overall coordination of family services provided by all parties involved in a mine emergency and ensure that families receive consistent information first during rescue and investigation efforts.

Second, it requires the designation of an independent nonprofit organization with experience in disasters and post trauma family communication, such as the American Red Cross, ARC, as the primary coordinator of emotional care and support for families. This organization will provide mental health and counseling services to families, and a private place to grieve; meet with family members onsite; and update families on accident and post accident activities.

Third, it requires mine operators to submit a strategic plan to clearly establish accident protocols for meeting the needs of families before an emergency occurs. To ensure these plans are submitted and approved in a timely fashion, the bill also prohibits approval of other operating plans until a mine has an MSHA-approved family assistance plan.

Finally, it gives families a voice in the process by including them as a required partner in a task force designed to provide recommendations for program enhancements. Other partners include mine operators, including operators of small mines, labor, the ARC, and the Bureau of Land Management.

We all agree that families who have lost loved ones in mining tragedies like those at Sago and Crandall, deserve our best efforts to provide consistent communication and support. The landmark MINER Act, signed into law last year, was a good first step in this direction, but these tragedies demand that we take additional steps to ensure that the victims' families receive the best information and care possible during an emergency.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 341—CONCERNING THE RECENT FOREST FIRES IN GREECE

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 341

Whereas more than 3,000 forest fires have been recorded in Greece since June 2007;

Whereas over a 10-day period, an estimated 4,000 people saw their homes destroyed by the wildfires, which razed dozens of villages, destroyed livestock and charred an estimated 469,000 acres of mostly forest and farmland;

Whereas dozens of Greek families have lost their loved ones to the fires;

Whereas thousands of Greeks have been left homeless and hundreds of thousands of acres of pristine forest have been destroyed;

Whereas hundreds of thousands of mature olive trees, vineyards and thousands of animals perished in the flames;

Whereas damage to the Greek economy is estimated at between $1,600,000,000 and $5,400,000,000;

Whereas the United States and Greece have stood side by side in confronting world challenges throughout the 20th century, and will stand together in confronting this new challenge; and

Whereas the United States, through its government, its people and its Greek-American community, has already extended significant support to the people of Greece during this difficult time: Now, therefore, be it

Resolved, That the Senate—

(1) extends its condolences and sympathy to the Government and the people of Greece for the grave loss of life and vast destruction caused by the devastating fires raging through Greece;

(2) vows its full support and solidarity to a close friend, a strategic partner, and a longstanding ally in this painful and difficult hour;

(3) fully supports the Administration's initiatives to provide assistance and relief to the people of Greece, including its pledge of $1,500,000 in aid as well as expert and technical assistance;

(4) encourages public institutions, specialized agencies, as well as private citizens, to offer their resources; and

(5) expresses confidence that Greece and its people will succeed in overcoming the hardships incurred through this tragedy.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution with my friend and colleague Senator MENENDEZ concerning the devastating series of forest fires which ravaged much of Greece, especially in the Peloponnese, this past summer.

Beginning in June, over 3,000 forest fires raged across the cradle of Democracy. Tragically, 9 people were killed in blazes in June and July, and 68 people lost their lives in the especially destructive fires between August 24 and September 4. The Greek economy ministry initially estimated that the fires caused 1.6 billion euros, or $2.2 billion of damage. Subsequent assessments have placed that figure as high as $5.4 billion.

I am proud that, more than offering its sympathy, the U.S. has also offered its help to the brave people and government of Greece. According to the State Department, the U.S. Government has thus far contributed nearly $2 million in aid to Greece in response to the fires. The bulk of this aid was provided in a ''wildfire assistance package'' consisting of the deployment of a technical assistance team which arrived in Greece on September 1 representing the disciplines of: fire management, fire investigation, emergency management systems, burn area emergency rehabilitation, and ecosystem and watershed restoration. Additionally, the U.S. Government provided 3,000 complete fire suits for the national fire brigade.

Americans have also stepped up to give privately to the victims of these terrible fires as well. Charities organized by Greek-American organizations and the Orthodox Church in the U.S. have already raised millions to aid the people and government of Greece in rebuilding and mitigating the economic loss resulting from the fires.

It is essential for the Senate to both recognize and pledge its support for

these efforts, as the connection between the U.S. Congress and the Greek people is not limited to the Greek Americans who have served as members, or the foreign policy issues debated in its halls. Rather, the very inspiration for the Congress as a legislative body are the democratic chambers of ancient Greece.

More recently, the U.S. and Greece stood resolutely by one another in confronting the political and economic challenges of the 20th century, and are close partners in combating terror in these opening years of the 21st century. It is imperative that we continue to stand together in confronting this new challenge.

On September 5, the House of Representatives passed a similar resolution to the one Senator MENENDEZ and I have introduced today. These resolutions reflect that the myriad ties between our two countries, be they cultural, economic or geopolitical, comprise a bond that can and should only strengthen in the wake of this devastating tragedy. I urge my colleagues to join us in supporting the people and government of Greece at this critical moment.

SENATE RESOLUTION 342—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF HISPANIC AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. LAUTENBERG, Ms. STABENOW, Mr. OBAMA, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. LUGAR, Mrs. BOXER, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. VOINOVICH, Mrs. DOLE, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 342

Whereas from September 15, 2007, through October 15, 2007, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 44,300,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in every 3 children under the age of 18 in the United States is Hispanic, and there are now more than 14,000,000 Hispanic children living in the United States;

Whereas the purchasing power of Hispanic Americans is projected to reach $1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned businesses in the United States, representing the economic contributions and spirit of entrepreneurship of the Hispanic community;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas approximately 11 percent, the largest percentage of any ethnic or racial group, of the more than 3,700 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2007, through October 15, 2007;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

SENATE RESOLUTION 343—DESIGNATING OCTOBER 19, 2007, AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN (for himself, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. DURBIN, Mr. SANDERS, Mr. CASEY, Mr. LAUTENBERG, Mr. BAYH, Mrs. BOXER, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON, Mr. COLEMAN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas, according to the American Cancer Society, in 2007, 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases the cancer resulted in death;

Whereas approximately 3,000,000 women in the United States are living with breast cancer, about 2,300,000 have been diagnosed with the disease, and an estimated 1,000,000 do not yet know they have the disease;

Whereas African-American women suffer a 36 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 90 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of 98 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19, 2007, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 48—EXPRESSING THE SENSE OF THE CONGRESS REGARDING HIGH LEVEL VISITS TO THE UNITED STATES BY DEMOCRATICALLY-ELECTED OFFICIALS OF TAIWAN

Mr. JOHNSON (for himself, Mr. LOTT, Mr. CHAMBLISS, Mr. BROWN, Mr. COBURN, and Mr. INHOFE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 48

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas, in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, DC;

Whereas these restrictions deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas whenever high-level visitors from Taiwan, including the President, seek to come to the United States, their request results in a period of complex, lengthy, and humiliating negotiations;

Whereas lifting these restrictions will help bring a friend and ally of the United States out of its isolation, which will be beneficial to peace and stability in the Asia-Pacific region;

Whereas, in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet and communicate directly with the democratically-elected officials of Taiwan;

Whereas since the Taiwan Strait is one of the world's flashpoints in terms of global security, it is essential that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington, DC, at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level with the Government of Taiwan, in order to strengthen a policy dialogue with Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected officials of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3116. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3117. Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) proposed an amendment to the bill H.R. 3222, supra.

SA 3118. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3119. Mr. GREGG proposed an amendment to amendment SA 3117 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) to the bill H.R. 3222, supra.

SA 3120. Mr. BAUCUS (for himself, Mr. SMITH, Mr. WYDEN, Mr. KERRY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3121. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3122. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3123. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3124. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3125. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3126. Mrs. BOXER proposed an amendment to the bill H.R. 3222, supra.

SA 3127. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3128. Mr. KOHL (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3129. Mr. DURBIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3130. Mr. SANDERS proposed an amendment to the bill H.R. 3222, supra.

SA 3131. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3132. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3133. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3134. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3135. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3137. Mr. REID (for Mr. OBAMA (for himself and Mr. COBURN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3138. Mr. BROWN (for Mr. DURBIN) proposed an amendment to the resolution S. Res. 319, expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary.

SA 3139. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3140. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3141. Mr. SESSIONS (for himself, Mr. NELSON, of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON, of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3142. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3143. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3144. Mr. KYL (for himself, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3145. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table .

SA 3146. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3116. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SA 3117. Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. BORDER SECURITY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Border Security First Act of 2007''.

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109–367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3118. Mr. SALAZAR submitted an amendment intended to be proposed by

him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. No amounts appropriated or otherwise made available by this Act may be obligated or expended for any purpose relating to the transfer of hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for destruction, including for the conduct of a study of such transfer.

SA 3119. Mr. GREGG proposed an amendment to amendment SA 3117 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. MCCONNELL, Mr. VITTER, Mr. CORKER, Mr. KYL, Mr. DOMENICI, Mr. CHAMBLISS, Mr. CORNYN, Mr. SUNUNU, Mr. MCCAIN, Mr. SPECTER, Mr. ISAKSON, and Mr. MARTINEZ) to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

This section shall become effective 1 day after the date of enactment.

SA 3120. Mr. BAUCUS (for himself, Mr. SMITH, Mr. WYDEN, Mr. KERRY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

SA 3121. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title V under the heading ''NATIONAL DEFENSE SEALIFT FUND'', up to $1,000,000 may be available for the conversion of the T.S. Enterprise ship at Massachusetts Maritime Academy in Buzzards Bay, Massachusetts.

SA 3122. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby increased by $30,215,000, of which—

(1) up to $6,000,000 may be for Advanced Automotive Technology (PE #0602601A); and

(2) up to $20,215,000 may be for Combat Vehicle and Automotive Advanced Technology (PE #0603005A), of which—

(A) up to $14,215,000 may be for the Future Combat Systems; and

(B) up to $10,000,000 may be the Fuel Efficiency ground vehicle Demonstrator (FED).

SA 3123. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities against any other country without the enactment of an Act or the passage of a resolution passed by the Senate and the House of Representatives specifically authorizing such obligation or expenditure.

(b) The prohibition in subsection (a) shall not apply with respect to the following military operations or activities:

(1) Military operations or activities to directly repel an attack against the territory or the Armed Forces of the United States.

(2) Military operations or activities in hot pursuit of hostile forces who are directly engaged in combat operations against the Armed Forces of the United States.

(3) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) Not later than 48 hours after determining to obligate or expend amounts otherwise prohibited from obligation or expenditure under subsection (a) for purposes of a military operation or activity described in subsection (b), the President shall submit to the Committee on Armed Forces and the Committee on Appropriations of the Senate and the Committee on Armed Forces and the Committee on Appropriations of the House of Representatives a report on such determination, including a justification for the determination.

(d) Nothing in this section shall be construed as limiting the authority of the President under Article II, Section 2, of the Constitution of the United States.

SA 3124. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) FINDINGS ON ASSOCIATE INTERMODAL PLATFORM PALLET SYSTEM.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) Specific benefits of usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers, providing savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) The Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

SA 3125. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

SA 3126. Mrs. BOXER proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

SA 3127. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add following:

SEC. 8107. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

SA 3128. Mr. KOHL (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class Modernization–Hybrid Propulsion Permanent Magnet Drive System.

SA 3129. Mr. DURBIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, ARMY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, NAVY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, AIR FORCE'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

SA 3130. Mr. SANDERS proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' and ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD'', is hereby reduced by $10,000,000.

SA 3131. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory–Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

SA 3132. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby increased by $30,215,000, of which—

(1) up to $6,000,000 may be for Advanced Automotive Technology (PE #0602601A); and

(2) up to $20,215,000 may be for Combat Vehicle and Automotive Advanced Technology (PE #0603005A), of which—

(A) up to $14,215,000 may be for the Future Combat Systems; and

(B) up to $10,000,000 may be the Fuel Efficiency ground vehicle Demonstrator (FED).

SA 3133. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities against any other country without the enactment of an Act or the passage of a resolution passed by the Senate and the House of Representatives specifically authorizing such obligation or expenditure.

(b) The prohibition in subsection (a) shall not apply with respect to the following military operations or activities:

(1) Military operations or activities to directly repel an attack against the territory or the Armed Forces of the United States.

(2) Military operations or activities in hot pursuit of hostile forces who are directly engaged in combat operations against the Armed Forces of the United States.

(3) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) Not later than 48 hours after determining to obligate or expend amounts otherwise prohibited from obligation or expenditure under subsection (a) for purposes of a military operation or activity described in subsection (b), the President shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on such determination, including a justification for the determination.

(d) Nothing in this section shall be construed as limiting the authority of the President under Article II, Section 2, of the Constitution of the United States.

SA 3134. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $3,000,000 may be made available for the MK 50 (NULKA) Decoy System.

SA 3135. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

SA 3136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

SA 3137. Mr. REID (for Mr. OBAMA (for himself and Mr. COBURN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SA 3138. Mr. BROWN (for Mr. DURBIN) proposed an amendment to the resolution S. Res. 319, expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary; as follows:

In the eighth clause of the preamble, strike ''4,000,000,000,000 gallons'' and insert ''4,000,000,000 gallons.''

SA 3139. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under

the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $1,500,000 may be available for Commercialization and Industrialization of Adaptive Optics (PE #0602890F).

SA 3140. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for Program Element 0602787A, up to $1,000,000 may be available for the Maternal Fetal Health Informatics and Outreach Program.

SA 3141. Mr. SESSIONS (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM-3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM-3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

SA 3142. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $23,600,000,000, with the amount of the increase to be available for the procurement of Mine Resistant Ambush Protected (MRAP) vehicles: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3143. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR RDTE, DEFENSE-WIDE, FOR MARK V REPLACEMENT RESEARCH.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby increased by up to $8,000,000, with the amount of the increase to be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

(b) OFFSET.—The amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'' is hereby decreased by $8,000,000.

SA 3144. Mr. KYL (for himself, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amounts appropriated or other otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $10,000,000 may be available for Program Element 0603895C for the Space Test Bed.

SA 3145. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

SA 3146. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the Missile Defense Space Experimentation Center (MDSEC) (PE #0603895C).

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mrs. FEINSTEIN, pursuant to the provisions of section 512 of Public Law 110–181, submitted her notice of intent to proceed to consider the bill (S. 223) to require the Senate candidates to file designations, statements, and reports in electronic form, dated Oct. 2, 2007, for the following reasons:

Mr. President, I objected to Senator ENSIGN's proposed unanimous consent of September 27, 2007, to take up and vote on an amendment to S. 223, the Senate Campaign Disclosure Parity Act, which is not germane to the underlying bill and has not been reviewed by the Rules and Administration Committee.

The proposed Ensign amendment would require outside groups, such as advocacy and charitable organizations, that file ethics complaints to disclose their donors.

His proposal to require limited debate and then a vote on the amendment before voting on S. 223 could be prevent the timely passage of the underlying bill before the 2008 election.

Next year's presidential and congressional elections are expected to have record contributions to and expenditures by candidates for federal offices. Electronic filing by Senate candidates will provide timely reports of these activities.

I believe the subject matter of the Ensign amendment would be best addressed first in the Rules Committee, where a hearing will provide an opportunity for all interested parties to express their views on this matter.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 4, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on backlogs at the Department of the Interior: Land into Trust Applications; Environmental Impact Statements; Probate; and Appraisals and Lease Approvals.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on October 2, 2007, at 10:30 a.m., in order to conduct a hearing entitled ''An Examination of the National Flood Insurance Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 2, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order for a hearing to consider pending nominations.

Agenda

Andrew R. Cochran, of Virginia, to be Inspector General, Environmental Protection Agency. John S. Breslan, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of 5 years. (Reappointment) John. S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of 5 years. C. Russell H. Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of 5 years. William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012. (Reappointment) Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012. (Reappointment) Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to conduct a hearing entitled: ''Current Mine Safety and Disasters: Issues and Challenges,'' during the session of the Senate on Tuesday, October 2, 2007, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled: ''Preserving the Rule of Law in the Fight Against Terrorism,'' on Tuesday, October 2, 2007, at 10 a.m., in the Dirksen Senate Office Building, room 226.

Witness List:

Jack Landman Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School, Cambridge, Massachusetts.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, October 2, 2007, in order to conduct a vote on the nomination of Paul J. Hutter, to be General Counsel, Department of Veterans Affairs. The Committee will meet in the reception room off the Senate Floor immediately after the first rollcall vote that occurs after the party lunches on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, October 2, 2007, at 10 a.m. in order to conduct a hearing entitled: ''Preparing the National Capital Region for a Pandemic.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, on behalf of Senator DODD, I ask unanimous consent that LTCOM Christopher Martin, a Congressional Fellow in Senator DODD's office, be granted the privilege of the floor during the debate of H.R. 3222.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Earl Rilington and Eric Perritt, fellows serving in Senator COCHRAN's office, be granted the privilege of the floor during consideration of this Defense Department appropriations bill for fiscal year 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HISPANIC HERITAGE MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 342, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 342) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, en bloc; and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 342) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 342

Whereas from September 15, 2007, through October 15, 2007, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 44,300,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in every 3 children under the age of 18 in the United States is Hispanic, and there are now more than 14,000,000 Hispanic children living in the United States;

Whereas the purchasing power of Hispanic Americans is projected to reach $1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned businesses in the United States, representing the economic contributions and spirit of entrepreneurship of the Hispanic community;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas approximately 11 percent, the largest percentage of any ethnic or racial group, of the more than 3,700 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2007, through October 15, 2007;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

NATIONAL MAMMOGRAPHY DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 343, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) designating October 19, 2007, as ''National Mammography Day.''

There being no objection, the Senate proceeded to consider the resolution.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 19, 2007, as ''National Mammography Day.'' This is the 15th

straight year I have introduced such legislation, and I am proud to say that on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2007, it is estimated that nearly 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die of this disease.

The first several times I introduced this resolution, I commented on how gloomy the statistics surrounding breast cancer were. While too many of our loved ones still die from breast cancer each year, there are some numbers these days that give us hope in our persistent struggle to defeat this disease. As I mentioned last year, the trend over time is that the number of deaths from breast cancer is actually stable or falling from year to year. According to the American Cancer Society, the death rate from breast cancer in women has decreased since 1990: between 1975–1990, the death rate increased by 0.4 percent; between 1990–2004, the death rate decreased by 2.2 percent annually.

This decline in the breast cancer mortality rate has been attributed to both improvements in breast cancer treatment as well as early detection from mammograms and other screening methods. New digital techniques make the process of mammography much more rapid and precise than before. In addition, early detection of breast cancer continues to result in extremely favorable outcomes: 98 percent of women with localized breast cancer will survive 5 years or longer. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. With all of these advances in research, screening and treatment, a diagnosis of breast cancer is not a death sentence—all of us encounter long-term survivors of breast cancer almost daily, whether we realize it or not.

Recently, there has been discussion among scientists regarding the best and most appropriate screening tool for breast cancer—traditional mammography or more advanced technology like magnetic resonance imaging, MRI. In addition, newspapers have been filled with discussions over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. For those of us who are neither physicians nor scientists in this highly technical area, we look to the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography.

As for mammography versus MRI's, in 2007 an expert panel convened by the American Cancer Society released new recommendations for the use of MRI for women at increased risk for breast cancer. Essentially, the Society recommended annual screening using MRI in addition to mammography for women at high lifetime risk, 20 to 25 percent or greater of developing breast cancer. Women with moderately increased risk of developing the disease, 15 to 20 percent lifetime risk, should discuss the option of adding an MRI to their annual mammogram with their physician. Women that do not fall into the high-risk or moderate-risk categories for developing breast cancer have no need to supplement their mammogram with an MRI.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what the test will reveal. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where National Mammography Day comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Once you pick a date, call your health care provider and make an appointment. If you have access to the internet, go the American Cancer Society's website and sign up for the mammogram reminder service—they'll send you an e-mail to remind you about the date you picked. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, once again I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 19, 2007, as ''National Mammography Day''.●

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas, according to the American Cancer Society, in 2007, 178,480 women will be diagnosed with invasive breast cancer and 40,460 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases the cancer resulted in death;

Whereas approximately 3,000,000 women in the United States are living with breast cancer, about 2,300,000 have been diagnosed with the disease, and an estimated 1,000,000 do not yet know they have the disease;

Whereas African-American women suffer a 36 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 90 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of 98 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19, 2007, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

UNITED STATES TRANSPORTATION COMMAND 20TH ANNIVERSARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. Res. 319 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) expressing the sense of the Senate regarding the United

States Transportation Command on its 20th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 319) was agreed to.

The amendment to the preamble (No. 3138) was agreed to, as follows:

In the eighth clause of the preamble, strike ''4,000,000,000,000 gallons'' and insert ''4,000,000,000 gallons.''

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, S.J. Res. 13.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 13) granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, this joint resolution reflects the best traditions of international cooperation between our nation and our Canadian neighbors to the north.

Formally, this joint resolution would grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, which allows emergency responders from the United States and Canada to help each other across our shared border during natural disasters and other serious emergencies. But beyond this legal formality, this agreement reflects our longstanding cooperative partnership with Canada, and how, in times of emergency or natural disaster, we respond together, as neighbors across a largely unguarded border.

When our communities need help, we must join together and come to their aid, whether or not a border is drawn between us. This agreement allows us to honor the extraordinary tradition of international cooperation and good will between our nations, and will make the citizens of both the United States and Canada more secure and safer.

We must all do our best to prepare for the most serious emergencies that can harm our communities. These crises may arise from natural or manmade disasters, from technological hazards, civil emergencies, or even terrorist events. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern Provinces of Canada, and we have endured catastrophic blizzards and ice storms as recently as this winter that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. Under this agreement, first responders and emergency management professionals from the United States and Canada can work together to provide the necessary assistance to secure public safety.

This compact works well for New England and the eastern Canadian Provinces, and it stands as a model for emergency management planning and cooperation. It has the support of all the emergency management directors in the New England States, and the bipartisan support of all of the New England Senators who have joined me and Senator SNOWE to cosponsor this resolution. It is a crucial element of the security and safety planning for all communities in New England and eastern Canada.

Mr. BROWN. I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 13) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel,

search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

MEASURE READ THE FIRST TIME—S. 2128

Mr. BROWN. Mr. President, I understand that S. 2128 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2128) to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

Mr. BROWN. Mr. President, I now ask for a second reading, and in order

to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 3, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, October 3; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two sides, with the majority controlling the first half and the Republicans controlling the final portion; that following morning business, the Senate resume consideration of H.R. 3222, as provided for under a previous order, and that the mandatory quorum be waived as required under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:16 p.m., adjourned until Wednesday, October 3, 2007, at 9:30 a.m.